

THE REPORT
OF THE
PRESIDENT
OF
QUEEN'S COLLEGE, CORK,
FOR
THE SESSION 1895-6.
WITH APPENDICES.

Presented to both Houses of Parliament by Command of Her Majesty.



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1896.

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THE REPORT
OF THE
PRESIDENT OF QUEEN'S COLLEGE, CORK,
FOR
THE SESSION 1895-96.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY :

I have the honour to submit a Report on the condition of Queen's College, Cork, for the Session 1895-96.

The number of students attending the College during this period was 206 matriculated and 6 non-matriculated. The number of new students was 49. Of these 31 came from the Royal University of Ireland, 10 from other Colleges and Universities, 3 passed the College matriculation examination, and 5 were non-matriculated. Of those who entered as matriculated students, 2 have not yet attended lectures.

Three non-matriculated students of last year also have become matriculated students this year.

The following changes have taken place in the Professorial body :—

Professor Ridgeway, having resigned the Chair of Greek in October, 1894, was succeeded in January, 1895, by Professor Keene.

Professor England, having retired from the Chair of Natural Philosophy in December, 1894, was succeeded in January, 1895, by Professor Bergin.

Professor Butler was appointed in May, 1895, to the Chair of Modern Languages, vacated by the death of Professor O'Ryan.

A severe illness which lasted seven months, for which a leave of absence was generously granted, saved me from the necessity of attending to my duties during that period.

Professor Savage-Armstrong, M.A., D.Litt., F.R.U.I., and Professor Stephen O'Sullivan, M.D., M.Ch., and Senator of the Royal University of Dublin, supplied my place in the most effectual manner.

Professor Savage-Armstrong delivered a series of lectures, under the auspices of the Cork Society for the Extension of University Teaching, on the English Poets of the Nineteenth Century, which proved a great benefit to the University Extension Society, and a great attraction to the people of Cork.

Professor Keene likewise delivered a series of lectures on Greek Poets: Epic and Dramatic, for the same Society.

A Triennial Visitation was held in April, 1896, presided over by Mr. Justice O'Brien, Sir Thornley Stoker, and Dr. Grimshaw, an account of which will appear in our next annual Report.

The account of the Extraordinary Visitation, held in May, 1894, appended to this Report, is taken from the shorthand writer's notes.

The second day's account has been taken from Mr. Justice Holmes' judgment, as kindly supplied by himself.

Full statistical information will be found in the Appendix.

And I have the honour to be

Your Majesty's most obedient servant,

JAMES W. SLATTERY,

President.

Queen's College, Cork,
July, 1896.

APPENDIX

A.—STATISTICAL TABLES.

I.—TABLE SHOWING THE NUMBER OF STUDENTS WHO ENTERED THE COLLEGE IN THE SESSION 1895-96, CLASSIFIED ACCORDING TO FACULTIES, AND DISTINGUISHING MATRICULATED FROM NON-MATRICULATED STUDENTS :—

*Appendix A
Statistical
Tables.*

	Matriculated Students.	Non-Matriculated Students.	Total.
Faculty of Arts,	14	1	15
„ Law,	3	1	4
„ Medicine,	29	2	31
School of Engineering,	4	1	5
	—	—	—
Total,	50	5	55
Deduct entering in two Faculties,	3	—	3
	—	—	—
Net Total,	*47	5	52

* Of these, three had been Non-Matriculated Students last year and two have not yet attended Lectures.

II.—TABLE SHOWING THE NUMBER OF MATRICULATED AND NON-MATRICULATED STUDENTS ON THE COLLEGE BOOKS FOR THE SESSION 1895-96, CLASSIFIED ACCORDING TO FACULTIES :—

	Matriculated Students.	Non-Matriculated Students.	Total.
Faculty of Arts,	35	1	36
„ Law,	8	1	9
„ Medicine,	165	2	167
School of Engineering,	12	2	14
	—	—	—
Gross Total,	221	6	227
Deduct number of Students attending } Lectures in two Faculties, . . . }	15	—	15
	—	—	—
True Total,	206	6	212

Appendix A.
Statistical
Tables.

III.—TABLE SHOWING THE NUMBER OF MATRICULATED AND NON-MATRICULATED STUDENTS ON THE COLLEGE BOOKS FOR THE SESSION 1895-96, CLASSIFIED ACCORDING TO ACADEMIC STANDING:—

Number of Students of the	Matriculated Students.	Non-Matriculated Students.	Total.
First Year,	44	6	50
Second „	55	—	55
Third „	57	—	57
Fourth „	56	—	56
Gross Total,	212	6	218
Deduct number of Students attending } Lectures of different years, . . }	6	—	6
True Total,	206	6	212

IV.—TABLE SHOWING THE ACADEMIC STANDING ACCORDING TO FACULTIES OF THE MATRICULATED STUDENTS ON THE COLLEGE BOOKS IN THE SESSION 1895-96.

	First Year.	Second Year.	Third Year.	Fourth Year.	Total.
Faculty of Arts,	11	10	9	5	35
„ Law,	4	3	—	1	8
„ Medicine,	29	42	45	50	166
School of Engineering,	4	4	4	—	12
Gross Total,	48	59	58	56	221
Deduct Number attending } Lectures in two Facul- } ties, }	4	4	1	—	13
True Total,	44	55	57	56	206

V.—TABLE GIVING THE PER-CENTAGE OF STUDENTS FROM THE PROVINCE OF MUNSTER AND FROM OTHER PLACES; THE PER-CENTAGE OF MUNSTER STUDENTS FROM THE COUNTY AND CITY OF CORK; AND THE PER-CENTAGE OF ALL THE STUDENTS FROM THE COUNTY AND CITY OF CORK.

Session.	Percentage of Students from		Percentage of Munster Students from		Percentage of all Students from the County and City of Cork
	Province of Munster.	Other Localities.	County and City of Cork.	Other Counties of Munster.	
1874-75,	93.8	6.2	76.5	23.5	71.7
1875-76,	85.8	14.2	75.2	24.8	84.5
1876-77,	90.6	9.4	78.3	21.7	70.9
1877-78,	86.8	13.2	72.2	27.8	82.6
1878-79,	90.2	9.8	73.3	26.7	68.1
1879-80,	90.7	9.3	77.2	22.8	70.0
1880-81,	92.6	7.4	78.5	21.5	70.6
1881-82,	93.0	7.0	75.7	24.3	70.4
1882-83,	93.7	6.3	75.7	24.3	70.9
1883-84,	93.6	6.4	77.7	22.3	72.7
1884-85,	90.8	9.2	79.4	20.6	72.1
1885-86,	91.5	8.5	83.5	17.5	75.5
1886-87,	90.3	9.7	82.3	17.7	74.3
1887-88,	89.9	10.1	82.9	17.1	74.5
1888-89,	87.3	12.7	84.0	16.0	73.3
1889-90,	88.6	11.4	81.5	18.5	72.2
1890-91,	90.6	9.4	83.8	16.2	73.9
1891-92,	91.0	9.0	88.5	11.5	78.6
1892-93,	92.2	7.8	83.5	16.5	77.0
1893-94,	94.4	5.6	87.0	13.0	82.1
1894-95,	93.3	6.7	85.0	15.0	82.1
1895-96,	93.0	6.1	89.4	10.6	83.9

VI.—AGES OF THE STUDENTS WHO ENTERED IN THE SESSION OF 1895-96; AND OF ALL STUDENTS ON THE BOOKS OF THE COLLEGE. *Appendix A*
Statistical Tables.

Age.	Number of New Students.	Per-centage.	Number of Students on the College Books.	Per-centage.
Under 16, . . .	—	0·0	—	0·0
16 to 17, . . .	2	4·1	2	0·9
17 to 18, . . .	8	16·4	12	5·6
18 to 19, . . .	10	20·4	18	8·5
19 to 20, . . .	7	14·3	26	12·3
20 to 21, . . .	5	10·2	28	13·2
Over 21, . . .	17	34·6	126	59·5
Total, . . .	49		212	

VII.—TABLE SHOWING THE RELIGIOUS DENOMINATIONS OF THE MATRICULATED AND NON-MATRICULATED STUDENTS WHO ENTERED THE COLLEGE IN THE SESSION 1895-96.

Religious Denomination.	Number of Students.		
	Matriculated.	Non-Matriculated.	Total.
Roman Catholics, . . .	23	2	25
Church of Ireland and England, . . .	14	3	17
Presbyterians, . . .	4	—	4
Wesleyans, . . .	2	—	2
Other Denominations, . . .	1	—	1
Total, . . .	44	5	49

VIII.—TABLE SHOWING THE RELIGIOUS DENOMINATIONS OF ALL THE STUDENTS ON THE COLLEGE BOOKS, CLASSIFIED ACCORDING TO ACADEMIC STANDING.

Religious Denomination.	Academic Standing of Matriculated Students.				Non-Matriculated Students.	Gross Total.	Net Total.
	First Year.	Second Year.	Third Year.	Fourth Year.			
Roman Catholics, . . .	26	28	33	39	2	128	126
Church of Ireland and of England, . . .	12	18	17	11	4	62	59
Presbyterians, . . .	2	5	3	3	—	13	12
Wesleyans, . . .	3	3	4	3	—	13	13
Other Denominations, . . .	1	1	—	—	—	2	2
Total, . . .	44	55	57	56	6	218	212

Appendix. IX.—TABLE SHOWING THE RELIGIOUS DENOMINATIONS OF ALL THE STUDENTS ON THE COLLEGE BOOKS, CLASSIFIED ACCORDING TO FACULTIES.

Statistical
Tables.

Faculty.	Roman Catholics.			Church of Ireland.			Presbyterians.			Wesleyans.			Others.		Total.
	Matr.	Non-Matr.	Total	Matr.	Non-Matr.	Total	Matr.	Non-Matr.	Total	Matr.	Non-Matr.	Total	Total	Total	
Arts,	6	-	6	14	1	15	7	-	7	4	-	4	2	8	80
Law,	4	1	6	3	-	3	-	-	-	-	-	-	-	-	9
Medicine,	105	1	106	42	1	43	6	-	6	9	-	9	1	1	168
School of Engineering, . .	6	-	6	3	2	5	1	-	1	1	-	1	1	1	16
Gross Total,	-	-	129	-	-	66	-	-	14	-	-	14	4	8	207
Deduct No. attending Lectures in two Faculties,	-	-	3	-	-	7	-	-	2	-	-	1	2	1	18
True Total,	-	-	126	-	-	59	-	-	12	-	-	13	2	7	189

X.—TABLE SHOWING THE RELIGIOUS DENOMINATIONS OF THE SCHOLARS AND EXHIBITIONERS IN EACH FACULTY.

Faculty.	Catholics.		Church of Ireland.		Presbyterians.		Wesleyans.		Other Denominations.		Total.	
	Scholars.	Exhibitioners.	Scholars.	Exhibitioners.	Scholars.	Exhibitioners.	Scholars.	Exhibitioners.	Scholars.	Exhibitioners.	Scholars.	Exhibitioners.
Arts,	7	-	11	-	4	-	3	1	2	-	27	1
Law,	2	3	-	2	-	-	-	-	-	-	2	5
Medicine,	5	5	2	4	-	1	1	-	-	-	8	10
School of Engineering, . .	2	-	-	-	-	-	-	-	-	-	2	-
Gross Total,	16	8	13	6	4	1	4	1	2	-	39	16
Deduct of Scholarships and Exhibitioners held by one Student,	-	-	-	-	-	-	1	-	-	-	1	-
True Total,	16	8	13	6	4	1	3	1	2	-	38	16

XI.—TABLE SHOWING THE NUMBER OF MATRICULATED AND *Appendix.*
 NON-MATRICULATED STUDENTS; THE NUMBER BELONGING TO EACH RELIGIOUS DENOMINATION; AND THE TOTAL NUMBER OF *Statistical*
 STUDENTS IN EACH SESSION FROM THE OPENING OF THE COLLEGE. *Tables.*

Academic Session	Matriculated Students	Non-Matriculated Students	Total No. of Students	Roman Catholics	Established Church or Church of Ireland	Presbyterians	Wesleyans	Other Denominations	Total No. of Students
1849-50, . . .	70	45	115	63	48	2	7	1	115
1850-51, . . .	118	38	156	86	36	3	10	2	156
1851-52, . . .	117	32	149	81	57	2	7	2	149
1852-53, . . .	109	24	133	68	46	5	7	6	139
1853-54, . . .	115	25	140	80	46	2	10	2	140
1854-55, . . .	122	22	144	73	60	2	8	1	144
1855-56, . . .	149	13	162	83	67	3	6	3	162
1856-57, . . .	139	25	164	72	70	6	11	5	164
1857-58, . . .	125	32	157	71	69	6	7	4	157
1858-59, . . .	125	24	149	68	64	4	6	6	144
1859-60, . . .	144	27	171	85	68	5	8	5	171
1860-61, . . .	173	30	203	98	93	2	8	2	203
1861-62, . . .	211	18	229	98	111	7	7	6	229
1862-63, . . .	219	20	239	96	121	3	11	3	239
1863-64, . . .	241	19	260	121	108	12	12	9	260
1864-65, . . .	249	14	263	123	114	6	12	2	263
1865-66, . . .	223	12	235	108	107	4	9	7	235
1866-67, . . .	214	16	230	100	105	8	7	3	230
1867-68, . . .	235	12	247	111	118	7	8	3	247
1868-69, . . .	216	28	244	97	126	12	7	3	244
1869-70, . . .	228	24	252	94	134	8	16		252
1870-71, . . .	226	25	250	86	143	12	10		250
1871-72, . . .	230	23	253	104	131	10	8		253
1872-73, . . .	232	20	252	107	130	8	7		252
1873-74, . . .	228	22	250	125	116	9	2		250
1874-75, . . .	227	23	250	123	96	8	17		250
1875-76, . . .	226	24	250	131	101	7	11		250
1876-77, . . .	208	24	232	113	109	6	12	1	232
1877-78, . . .	238	19	257	130	105	11	10	1	257
1878-79, . . .	254	26	280	146	102	18	11	3	280
1879-80, . . .	271	29	300	152	108	22	12	6	300
1880-81, . . .	300	10	327	170	114	16	12	7	327
1881-82, . . .	374	28	402	231	145	16	11	9	402
1882-83, . . .	325	23	340	213	110	12	10	3	348
1883-84, . . .	278	30	298	174	105	10	4	4	298
1884-85, . . .	254	18	272	156	90	13	11	3	272
1885-86, . . .	235	14	249	138	90	10	9	2	249
1886-87, . . .	232	8	238	143	68	15	10	2	238
1887-88, . . .	234	13	247	146	71	18	9	5	247
1888-89, . . .	218	11	229	128	65	13	8	3	229
1889-90, . . .	228	10	238	155	87	16	7	3	238
1890-91, . . .	234	11	245	160	67	16	9	4	245
1891-92, . . .	251	4	255	159	61	19	9	7	255
1892-93, . . .	259	4	263	161	53	17	7	5	263
1893-94, . . .	249	12	262	160	63	11	11	9	262
1894-95, . . .	212	12	224	137	60	11	12	3	224
1895-96, . . .	206	6	212	126	59	12	13	2	212

Appendix A. XII.—TABLE SHOWING THE NUMBER OF SCHOLARSHIPS IN EACH FACULTY, THE NUMBER AWARDED, AND THE NUMBER OF EXHIBITIONS AWARDED.

Faculty, &c.	Arts—	Faculty.	Total No. of Scholarships.	No. of Scholarships awarded.	No. of Exhibitions awarded.
		Junior Scholarships open to Students at Entrance.	10	10	—
		Junior Scholarships open to Students of One Year's standing.	10	6	—
		Junior Scholarships held by Students of Two Years' standing.	10	8	—
		Senior Scholarships.	7	3	1
	Law—	Junior Scholarships.	3	2	4
		Senior " "	1	—	1
	Medicine,		8	8	10
	School of Engineering,		8	2	—
	Total,		54	39	16

No. XIII.—TABLE CONTAINING THE NAMES OF THE SEVERAL SUBJECTS LECTURED UPON DURING THE SESSION 1895-96, THE NUMBER OF LECTURES GIVEN ON EACH SUBJECT, AND THE TOTAL NUMBER OF STUDENTS ATTENDING THE CLASSES IN EACH SUBJECT.

	No. of Lectures in each Subject.	Total No. of Students attending the Classes in each subject.
Greek.	282	10
Latin.	240	15
English Language and Literature and History.	224	15
French.	268	17
German.	63	3
Italian.	67	2
Logic.	60	2
Metaphysics.	—	—
Political Economy.	—	—
Mathematics.	275	16
Natural Philosophy.	336	52
Chemistry, Systematic.	73	36
" Practical.	87	42
Geology and Mineralogy.	51	5
* Zoology and Botany.	100	30
English Law.	46	8
Jurisprudence and Civil Law.	48	8
Anatomy and Physiology.	118	59
" Practical.	158	108
† Practical Physiology and Histology.	52	35
Medicine.	65	25
Surgery.	64	26
Operative Surgery.	40	21
Midwifery.	64	32
Materia Medica.	65	39
Medical Jurisprudence.	41	35
Engineering.	312	14
Pathology, Systematic.	26	17
" Practical.	39	18
Practical Pharmacy.	20	32

* There was a separate class in Practical Zoology and Botany.

† Each lecture lasted about two hours.

Appendix B

Names of
Scholars
and Exhibi-
tioners.No. XV.—SCHOLARS AND EXHIBITIONERS FOR THE SESSION
1895-96.

FACULTY OF ARTS.

Senior Scholars.

LANGUAGES, LITERATURES AND HISTORIES OF ANCIENT GREECE AND ROME.	}	James M. Burke, B.A.
MATHEMATICS AND MATHEMATICAL PHYSICS.		
HISTORY, POLITICAL ECONOMY, AND JURISPRUDENCE.	}	Stephen B. Kelleher, B.A.
	}	Patrick J. Carroll, Assoc. Q.C.C.

Exhibitor—Mary Jane Park, Assoc. Q.C.C.*Junior Scholars.**Third Year.*

IN LITERATURE.

Group A.—William Lapsley.
Thomas A. W. Drought.
Henry B. Dale.

IN SCIENCE.

Andrew Ryan.
William Steele.
Francis John Allen.
(*Henry B. Dale*).
David Kernohan.
Arthur B. Franklin.

Second Year.

IN LITERATURE.

Group A.—Arthur P. O'Connell.
Michael A. Shinkwin.

Group B.—Edward T. Tuckey.
Jacob J. Jaffé.

IN SCIENCE.

Robert Fulton.
William S. H. Dorman.

First Year.

IN LITERATURE.

Group A.—Thomas M'Fetridge.
Edmund Collins.

Group B.—Robert E. Jack.
William Franklin.
Alfred Welply.

IN SCIENCE.

Robert E. Jack.
Helena Frances Tuckey.
William M. Bergin.
(*William Franklin*).
William R. T. Tuckey.
Joseph Carver.

SCHOOL OF ENGINEERING.

Third Year.

Michael Murphy.

First Year.

Denis C. D. Ford.

FACULTY OF LAW.

Appendix B.

Names of
Scholars
and Exhi-
bitors.

Senior Exhibitioner,

Charles Hastings Denroche, B.A., LL.B.

Junior Scholars,

Second Year.

Patrick J. Byrne.

Exhibitors:—

Edward Sheehan. | Frederick W. Wynne.

First Year.

Timothy Hennessy, B.A.

Exhibitors:—

Florence W. M'Carthy. | John C. Healy.

FACULTY OF MEDICINE.

Senior Exhibitioner:—

Michael Burke.

Fourth Year.

Thomas Finnegan. | Thomas H. Gloster.

Third Year.

Godfrey E. Charles. | Robert T. Booth.

Exhibitors:—

Edwin J. Butler.

Second Year.

John Torpey. | William Rice.

Exhibitors:—

Rowland Lee. | Joseph P. Dee.
William J. Bannister.

First Year.

IN LITERATURE.

Henry C. E. Quin.

Exhibitors:—

Matthew Burke. | Henry Ross.

IN SCIENCE:—

John O'Leary.

Exhibitors in Practical Medicine, Surgery and Midwifery.

PRACTICAL MEDICINE,	.	.	.	.	.	.	Samuel Connor.
" SURGERY,	.	.	.	.	.	.	Thomas H. Gloster.
" MIDWIFERY,	.	.	.	.	.	.	Thomas Finnegan.

Appendix B
Names of
the Students
awarded
Prizes and
Certificates
at the Sessional
Examinations
1896.

No. XVI.—STUDENTS WHO WERE AWARDED PRIZES AND CERTIFICATES AT THE SESSIONAL EXAMINATIONS, 1896.

FACULTY OF ARTS.

Third Year.

GREEK,	.	.	.	1. Ryan, A.,	Prize.
				2. Drought, T. A. W.,	"
LATIN,	.	.	.	1. Ryan, A.,	"
				2. Dale, H. B.,	"
				3. Drought, T. A. W.,	Certificate.
HISTORY,	.	.	.	Park, M. J.,	Certificate of Honour.
FRENCH,	.	.	.	1. Drought, T. A. W.,	Prize.
				2. Franklin, A. B.,	"
ITALIAN,	.	.	.	1. Franklin, A. B.,	"

Second Year.

GREEK,	.	.	.	1. O'Connell, A. P.,	Prize.
LATIN,	.	.	.	1. O'Connell, A. P.,	"
ENGLISH,	.	.	.	1. Dobbs, James,	Certificate.
MATHEMATICS,	.	.	.	1. {Dorman, W. S. H., } Eq. {	Prize.
				{Fulton R., }	"
CHEMISTRY,	.	.	.	1. Dorman, W. S. H.,	"
GEOLOGY,	.	.	.	1. {See School of Engineering}.	"
				2. Dorman, W. S. H.,	"
ZOOLOGY,	.	.	.	1. {Slidkwin, M. A., } Eq. {	"
				{Tuckey, E. T., }	"
BOTANY,	.	.	.	1. Tuckey, E. T.,	"

First Year.

GREEK,	.	.	.	1. Porteus, W. H.,	Prize.
				2. M'Petridge, T.,	"
LATIN,	.	.	.	1. Porteus, W. H.,	"
				2. M'Petridge, T.,	"
ENGLISH,	.	.	.	1. {M'Petridge, T., } Eq. {	"
				{Jack, R. E., }	"
				3. Tuckey, H. F.,	"
				4. Franklin, W.,	"
				5. Tuckey, W. R. T.,	Certificate.
FRENCH,	.	.	.	1. Tuckey, H. F.,	Prize.
				2. Jack, R. E.,	"
				3. Franklin, W.,	"
ITALIAN,	.	.	.	1. Tuckey, H. F.,	"
MATHEMATICS,	.	.	.	1. {Jack, R. E., } Eq. {	"
				{Tuckey, W. R. T., }	"
EXPERIMENTAL PHYSICS,	.	.	.	1. {See Faculty of Medicine}	"
				2. {Jack, R. E., }	"
				{See School of Engineering}.	"
				4. Tuckey, W. R. T.,	"
				5. Bergin, W. M.,	"

SCHOOL OF ENGINEERING.

First Year.

FRENCH,	.	.	.	1, 2, 3, {See Faculty of Arts}.	Prize.
EXPERIMENTAL PHYSICS,	.	.	.	4. Forde, D. C. D.,	"
				1. {See Faculty of Medicine}.	"
CHEMISTRY,	.	.	.	2. Forde, D. C. D.,	"
GEOMETRICAL DRAWING,	.	.	.	1. Tuckey, W. R. T.,	"
				2. Forde, D. C. D.,	"

Appendix B.

Names of the Students awarded Prizes and Certificates at the Sessional Examinations, 1896.

Second Year.

MATHEMATICAL PHYSICS, .	1. Dorman, W. S. H.,	Prize.
	2. Fulton, R.,	"
PRACTICAL CHEMISTRY, .	1. Fulton, R.,	Certificate.
SURVEYING,	1. Dorman, W. S. H.,	Prize.

Third Year.

MATHEMATICAL PHYSICS, .	1. Murphy, M.,	Prize.
	2. Steele, W.,	"
	3. O'Flynn, B.,	"
GEOLOGY,	1. O'Flynn, B.,	"
CIVIL ENGINEERING,	1. O'Flynn, B.,	"
	2. Murphy, M.,	"

FACULTY OF LAW.

JURISPRUDENCE, . . .	1. Hennessy, T.,	Prize.
CIVIL LAW,	1. Sheehan, Ed.,	"
ENGLISH LAW (Second Year),	1. Sheehan, Ed.,	"
	2. Byrne, P. J.,	"
" (First Year),	1. Hennessy, T.,	"

FACULTY OF MEDICINE.

EXPERIMENTAL PHYSICS, .	1. O'Leary, J.,	Prize.
CHEMISTRY,	1. O'Leary, J.,	"
	2. Quinn, H. C. E.,	"
PRACTICAL CHEMISTRY, .	1. { }	"
	2. { Bannister, W. J., } Eq. {	"
PRACTICAL ANATOMY—		
(Third Year),	1. { Booth, R. T., } Eq. {	"
	2. { Charles, G. E., } Eq. {	"
" (First Year),	3. Butler, E. J.,	"
	1. Lapsley, W.,	"
	2. Kernohan, D.,	"
	3. Torpey, J.,	"
ANATOMY AND PHYSIOLOGY—		
(Senior Division),	1. Charles, G. E.,	"
" (Junior Division),	1. Lapsley, W.,	"
PRACTICAL PHYSIOLOGY AND HISTOLOGY (Senior Division),	1. Charles, G. E.,	"
	2. Booth, R. T.,	"
	3. Butler, E. J.,	"
PRACTICE OF MEDICINE, .	1. Booth, R. T.,	"
SCURGERY,	1. Ross, George,	"
MIDWIFERY,	1. Glozier, T. H.,	"
	2. Finucane, T.,	"
PRACTICAL PHARMACY, .	1. Booth, R. T.,	"
	2. Butler, E. J.,	"
MEDICAL JURISPRUDENCE, .	1. Glozier, T. H.,	"

PRIZE IN PATHOLOGY,	Finucane, T.
" " Practical,	Finucane, T.
" " (additional),	Boskin, J. L.
NEW SHAKESPEARE SOCIETY'S PRIZE, 1895,	Dale, H. B.

Appendix XVII.—STUDENTS WHO OBTAINED HONOURS AT THE EXAMINATIONS OF THE ROYAL UNIVERSITY OF IRELAND IN 1895.

Names of the Students who obtained Honours at the Royal University of Ireland in 1895.

FACULTY OF ARTS.

Second University Examination.

LATIN, . . .	Ryan, Andrew,	2nd Class Honour.
GREEK, . . .	Ryan, Andrew,	" "
ENGLISH, . . .	Dale, Henry B.,	" "
MATHEMATICS, . . .	Ryan, Andrew,	" "
MATHEMATICAL PHYSICS, . . .	Ryan, Andrew,	1st Class "
CHEMISTRY, . . .	Steele, William,	2nd Class "
BIOLOGY, . . .	Rice, William,	" "

Exhibitioner.

Ryan, Andrew, . . .	1st Class Exhibition.
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Degree of B.A.

ANCIENT CLASSICS, . . .	Burke, James M., Borlin, Osborne J.,	2nd Class Honour.
MATHEMATICAL SCIENCE, . . .	Kelleher, Stephen,	1st Class "
CHEMISTRY AND PHYSIOLOGY, . . .	Ross, George,	2nd Class "

Exhibitioners.

Kelleher, Stephen B., . . .	1st Class Exhibition.
Burke, James M., . . .	2nd Class Exhibition.
Ross, George, . . .	2nd Class Exhibition.

FACULTY OF LAW.

LL.B. Degree Examination.

*Lyhane, Cornelius, . . .	1st Class Honour.
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Exhibitioner.

*Lyhane, Cornelius, . . .	1st Class Exhibition.
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* Also entered from King's Inns, Dublin.

SCHOOL OF ENGINEERING.

SECOND PROFESSIONAL EXAMINATION, . . .

Steele, William,	2nd Class Honour.
Murphy, Michael,	" "

Exhibitioner.

Steele, William, . . .	2nd Class Exhibition.
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FACULTY OF MEDICINE.

First Examination in Medicine.—Summer.

CHEMISTRY, . . .	Kernohan, David,	2nd Class Honour.
	Rice, William,	" "
EXPERIMENTAL PHYSICS, . . .	Kernohan, David,	1st Class Honour.
	Rice, William,	2nd Class "

Exhibitioner.

Kernohan, David, . . .	2nd Class Exhibition.
------------------------	-----------------------

Second Examination in Medicine.—Spring.

Charles, Godfrey E., . . .	1st Class Honour and 1st Class Exhibition.
Booth, Robert T., . . .	2nd Class Honour and 2nd Class Exhibition.

Autumn.

Hanlon, Bartholomew, . . .	Upper Pass Division.
McCoy, David, . . .	" "

Third Examination in Medicine.—Spring.

Finucane, Thomas, . . .	Upper Pass Division.
Gloster, Thomas H., M.A., . . .	" "
Ross, George, . . .	" "

Medical Degrees Examination, M.B., B.Ch., B.A.O.—Autumn.

M'Ardie, Andrew A. F., . . .	2nd Class Honour and 2nd Class Exhibition.
*Carroll, William S., . . .	Upper Pass Division.

* Also entered from Queen's College, Galway.

C.—RECEIPTS, EXPENDITURE, SALARIES, FEES.

Appendix C.

No. XVIII.—ABSTRACT OF THE RECEIPTS AND EXPENDITURE OF QUEEN'S COLLEGE, CORK, FROM 1ST APRIL, 1895, TO 31ST MARCH, 1896.

Abstract of the Receipts and Expenditure.

DE.	RECEIPTS.	£	s.	d.
To Balance on 1st April, 1895,		1,777	12	4
„ Grant from Consolidated Fund,		5,843	11	4
„ Grant in aid of maintenance,		1,000	0	0
„ College Fees and Fines,		108	10	6
„ Professors' Class Fees,		1,618	0	6
„ Miscellaneous Receipts,		3	7	0
„ Library Deposits,		83	0	0
„ Dividend on £1,136 19s. 6d., the Blayney Fund,		181	4	5
Total Receipts,		£12,119	9	4

DE.	EXPENDITURE.	£	s.	d.
By Salaries of President, Professors, and Officers,		24,021	12	8
„ Scholarships, Prizes, and Exhibitions,		1,268	7	10
„ Minor Officers, College Attendants, Gardeners, &c.,		374	15	0
„ Maintenance, out of Grant in aid, College Fees and Fines and Miscellaneous Receipts (details given below),		1,831	12	8
„ Class Fees,		1,022	0	0
„ Library Deposits repaid to Students,		34	0	0
„ From leased Balances in aid of Scientific Apparatus, Library, Museums, &c.:-				
Anatomical and Physiological Department,	£110	18	8	
Natural Philosophical Department,	141	0	0	
Chemical Department,	13	0	4	
Natural History Department,	18	7	6	
Library,	4	0	8	
		287	18	8
„ Purchase of Stock with Dividend of Blayney Fund,		128	10	8
Total Expenditure,		£10,183	15	10

BALANCES.				
„ Consolidated Fund Grant,		£1,919	0	8
„ Special Fund,		1	10	10
„ Library Deposits,		49	0	0
„ Blayney Fund,		7	13	0
„ Fees and Fines,		185	17	8
„ Class Fees,		9	3	4
„ Crawford Observatory Fund,		140	11	5
„ Allotted by Irish Government for special services,		304	10	2
		1,866	13	8
Total Balances and Expenditure,		£12,119	9	4

Appendix C.

Abstract of
the Re-
ceipts and
Expendi-
ture.ACCOUNT OF EXPENDITURE OF GRANT IN AID OF MAINTENANCE AND OF COLLEGE FEES
AND FINES AND MISCELLANEOUS RECEIPTS.

To Library,					2275 7 5
" Laboratories—					
Chemical,				£137 0 6	
Physical,				149 0 4	
Medical,				88 7 1	
Natural History				11 8 1	
Engineering,				0 17 0	
" Museums—					494 17 0
Anatomical,				26 16 1	
Natural History,				—	
Salary of Curston,				89 0 0	
" Printing, Stationery, and Advertising,					86 18 1
" Heating and Lighting,					234 7 4
" Botanic Garden and Grounds,					607 11 4
" Miscellaneous—					189 10 4
Attendants' Clothing,				53 12 0	
Water Supply,				12 12 0	
Incidental Expenditure,				68 10 8	
Postage,				0 19 8	
Travelling,				—	
Fees returned to Students,				1 0 0	
					160 15 11
Total,					£1,431 12 5

Queen's College, Cork,
31st March, 1896.W. R. JENNEY, Lieut.-Col.,
Bursar.Salaries and
Emolu-
ments of
Professors-
ships.No. XIX.—SALARIES AND EMOLUMENTS OF PROFESSORS AND
OFFICERS, 1895-96.

	Appointed.	Salary.	Class Fees.	Total.
		£	£ s.	£ s.
Greek Language,	1896	222	14 0	236 0
Latin,	1848	292	16 10	308 10 (a)
Mathematics,	1827	222	22 0	244 0
Natural Philosophy,	1828	222	65 0	287 0
History and English Literature,	1822	222	18 10	240 10
Mental and Social Sciences,	1828	222	17 0	239 0
Chemistry,	1831	202	185 10	387 10
Natural History,	1822	202	144 0	346 0
Modern Languages,	1826	212	20 10	232 10 (a)
Anatomy and Physiology,	1870	212	635 10	847 10 (b)
Medicine,	1789	150	52 0	202 0
Surgery,	1821	150	98 0	248 0
Materia Medica,	1824	150	211 0	361 0 (c)
Midwifery,	1824	150	62 0	212 0
Engineering,	1820	200	42 10	242 10 (d)
English Law,	1824	100	12 0	112 0
OFFICERS:—				
Registrar,	1870	75	—	75 0
Bursar,	1826	75	—	75 0
Librarian,	1828	75	—	75 0

(a) The Professor of Latin, not having accepted the new Charter of 1825, receives only £250 per annum from the endowment, and has not acted as University Examiner.

(b) Out of which the Professor has to provide the salary of his Demonstrator.

(c) Includes Class Fees as Lecturer on Medical Jurisprudence.

(d) The Professor of Modern Languages as Librarian, and the Professor of Engineering as Registrar, each receive £75 per annum.

Queen's College, Cork,
31st March, 1896.W. R. JENNEY, Lieut.-Col.,
Bursar.

No. XX.—DONATIONS TO LIBRARY.

Appendix D.
Donations
to Library.

Accademia dei Lincei: Rendiconti, Rome.

From the Accademia.

Allen, J. F.: Addresses (South African Medical Congress).

(Pamphlet) From the Author.

Anderson, R. J.: The Elephants, A Zoological Mnemonic.

(Pamphlet) By the Author.

Bessarione: Revista di Studi Orientali (2 copies), 8vo.

From the Publisher.

Boswell: Life of Johnson (Macaulay-Winch).

By Macmillan.

British Museum:

Catalogue of Spiders.

Catalogue of Seals in the Department of Manuscripts. Vol. IV.

Catalogue of Vases. Vol. III-IV. (New edition).

Index of Artists: Department of Prints and Drawings. Vol. II.

Catalogue of Fossil Plants of the Wealden. Part II.

Catalogue of Fossil Fishes. Part III.

Catalogue of Birds. Vols. XXV and XXVII.

Guide to British Mycetozoa.

Introduction to the Study of Rocks.

Catalogue of Spiders.

Catalogue of Fishes. Vol. I. (2nd ed.)

From the Trustees.

Buchheim, E. S.: Short German Plays.

From the Delegates of the Press, Oxford.

Calendar of Aberdeen University, 1895-96.

Calendar of Edinburgh University, 1895-96.

Calendar of Glasgow University, 1895-96.

Calendar of the Imperial University of Japan, 1894-95.

Calendar of the Faculty of Medicine, McGill University, Montreal
(63rd Session), 1895-96.

Calendar of Mason College, Birmingham, 1895-96.

Calendar of Melbourne University, 1896.

Calendar of Owens College, Manchester, 1895-96.

Calendar of the College of Preceptors, London, 1896.

Calendar of the Royal College of Surgeons, England, 1895

Calendar of The Royal Institute of British Architects, 1895-96.

Calendar of the Royal University, Ireland, 1896.

Calendar of Saint Mungo's College, Glasgow, 1895-96.

Calendar of the School of Medicine of the Royal Colleges, Edinburgh
(Winter Sessions), 1895-96.

- Appendix D.* Calendar of University College, Bristol, 1895-96.
Donations to Library. Calendar of University College, North Wales, 1895-96.
 Calendar of University College, Nottingham, 1895-96.
 Calendar of Chicago Physio-Medical College, 1895.
 Cambridge Philosophical Society :

Proceedings, Vol. VIII., Part 5.
 Proceedings, Vol. IX., Parts 1-2

From the Society.

Canada :

Geological Survey, Report 1892-93.
 Geological Survey, Maps, 3 Packets.
 Geological Survey, Paleozoic Fossils, Vol. III., Parts 1-2.
 Geological Survey, Canadian Palaeontology, Vol. II.

From the Director.

Canadian Gazette. (Received regularly).

From the Publisher.

Cane, A. : Tables of Reports of Cases decided in the Superior Courts.
 8vo ; London, 1895.

By the Author.

Carroll, Lewis : Symbolic Logic.
 8vo ; London, 1895.

By Macmillan.

Catalogue of Surgical Instruments.

From Arnold and Sons.

Catalogue of the Books added to the Library of King's College,
 Aberdeen, from March, 1894, to March, 1895.

From the University.

Catalogue of the Cork Free Public Library (2nd ed.)

By the Librarian, James Wilkinson.

China :

Customs Gazette, Nos. 105, 106, 107, 108.

Returns of Trade, 1894 and 1895.

Medical Reports, 43rd to 50th issues.

List of Lighthouses, 1895.

From the Inspector-General of Customs.

Code of Indian Criminal Procedure : Act No. X., 1872.

From William Griffith.

Cosmopolis : An International Review, Vol. I., No. 2.

8vo ; London, 1896.

From the Publisher.

Cowper : Shorter Poems (Webb), 8vo.

By Macmillan.

Cudmore, P. : The Battle of Clontarf, a Poem.

Pamphlet. By the Author.

Department of Science and Art:

Supplement to the Catalogue of the Science Library, South Kensington, 1891-1895. *Appendix B*

Donations
to Library.

Directory to June, 1895, for Science Classes.

List of Inspectors (Education Department).

Prospectus of the Royal College of Science, 1895.

Report (42nd), 1895.

Report (42nd), Supplement to.

Sir Joseph Whitworth's Scholarships (13th ed.)

Examination Papers for Science Schools and Classes, to May, 1895.

Classed Catalogue of Printed Books in the National Art Library, South Kensington.

Illustrated Syllabus of Instruction in Drawing, 4to.

Supplemental Descriptive Catalogue of Specimens of Lace (Cole).

Return made to the Department (Blue Book, 1895).

Calendar, 1896.

Catalogue of Science Collections, Parts 1-7, in one Vol.

Catalogue of Engraved National Portraits.

Catalogue of Machinery, Models, &c.

From the Department of Science and Art.

Doran, R. E., Queen's College, Cork: The Action of Lead Thiocyanate on the Chlorocarbonates. Part I. (Pamphlet).

By the Author.

Early English Text Society:

The English Conquest of Ireland (1166-1185). Part I. 8vo.

The Fire of Love, &c. 8vo.

From the Society.

Ellis, A.: Chosen English. *Selections.*

By Macmillan.

George and Sidgwick: Poems of England.

By Macmillan.

Historicus: Cocoa. All about it. 8vo.

By the Author.

Homer: Iliad. (Leaf and Bayfield).

By Macmillan.

Hutton, A. W.: The Vaccination Question. 8vo; London, 1895.

By the Author.

India:

Geological Survey, Records. Parts 3-4. 1895.

By the Director of the Geological Survey

Appendix D. India—continued.

Donations
to Library.

Botanical Survey, Records. Nos. 5-6.

By the Director of the Botanical Survey.

Annals of the Royal Botanic Garden, Calcutta.

Vol. V. Part 1.

Vol. VI. Part 1.

By the Superintendent of the Garden.

Indici e Cataloghi: Nos. I.-XVI.

From the Italian Government.

Institution of Civil Engineers:

Minutes of Proceedings. Vols. 121, 122, 123.

" " Subject Index to Vols. 59-118.

Catalogue of the Library of the Institution. 3 Vols. 8vo. 1895.

Charter, Bye-Laws, &c. 1895.

*From the Institution.*James, Ed. J.: The Relation of the Modern Municipality to the Gas Supply. *Pamphlet*. 1890.The Address before the Convention of the American Banking Association *Pamphlet*. 1892.An Address on the Farmer and Taxation. *Pamphlet*. 1892.Review of the work of the American Society for the Extension of University Education. *Pamphlet*. 1894.

Annals of the American Academy of Political and Social Science.

Vol. VII. No. 1. (A Reprint.) *Pamphlet*. 1896.A Review of Bryce's American Commonwealth. *Pamphlet*. 1896.

An Essay on Representation.

By the Author.

Lamb: Essays of Elia (Hallward and Hill).

By Macmillan.

Livy: Hannibalian War, Selections (Coleridge). 12mo.

By Macmillan.

Local Government Board:

Twenty-third Annual Report, 1893-94.

From the Local Government Board.

Medical News:

*(Received regularly).**From the Publisher.*

Milton: Paradise Lost. Book III.

By Macmillan.

Milton: Paradise Lost. Book IV.

By Macmillan.

Milton: Tractate on Education (Morris).

By Macmillan.

Minerva, Jahrbuch der Gelehrten Welt, 1895-96. Von Kekula und Trübner. *Appendix B.*

By the Publishers. *Donations to Library.*

Morris. English Accidence.

By Macmillan.

Muir, M. P.: Tables for Qualitative Analysis. 8vo.

By Professor Dixon.

Mullins, G. L.: Cancer. In New South Wales. Pamphlet.

Notes on Phthisis. In New South Wales. Pamphlet.

By the Author.

Navy, Statistical Report of the Health of the. For 1894.

From the Admiralty.

Ovid: Tristia (Schuckburgh). Books I. & II.

By Macmillan.

Ovid: Metamorphoses. Book VIII. (Keene). 12mo.

By Macmillan.

Page and Walpole: Acts of the Apostles.

By Macmillan.

Pennell, E. R.: Tantallon Castle. The Story of the Castle and of the Ship. Presented by Donald Currie and Co. 4to; Edinburgh, 1895.

Plato: Crito (Keene). 8vo; London, 1895.

By Macmillan.

Pope: Essay on Man (Morris). 8vo.

By Macmillan.

Quarterly Returns of Marriages, Births, and Deaths in Ireland.

From the Registrar-General.

Quex: My Friend (Sonnet-Sequences). 12mo.

By the Author.

Reports of the Scientific Results of the Exploring Voyage of H.M. Ship "Challenger," 1873-1876. 50 Parts; 4to.

By the Government.

Revue de L'Université de Bruxelles. I. Nos. 1-2. 8vo.

By the Publisher

Royal Institute of British Architects:

Journal of the. Vol. II. Nos. 13-20.

Vol. III. Nos. 1-5.

Vol. III. Nos. 6-10.

Vol. III. Nos. 11-15.

From the Institute.

Appendix D. Royal Astronomical Society :
 Donations to Library. Monthly Notices.

From the Society.

Royal Irish Academy :

Transactions. Vol. XXX. Parts 15, 16, 17.
 Proceedings (3rd Series). Vol. III. No. 4.
 List of Members, 1893.

From the Academy.

Royal Academy of Medicine in Ireland :

Transactions. Vol. XIII.

From the Academy.

Royal Society of London :

Proceedings, Nos. 343-357.

Philosophical Transactions. Vol. 185 (A.) Part II.

Vol. 185 (B.) Part II.

From the Royal Society.

Royal Society of Canada :

Proceedings and Transactions. Vol. XII. 1894.

From the Society.

School of Practical Science, Toronto :

Papers read before the Engineering Society of the. No. 9.
 1895-96.

From the Society.

Schuckburg : History of Rome. 8vo.

By the Author.

Shakespeare. King Henry the Eighth (Deighton).

By Macmillan.

Sharpe, R. R. : London and the Kingdom. Vol. III.

By the Corporation of London.

Souvestre, E. : Un Philosophe Sous Les Toits. 8vo.

By Macmillan.

Spenser : Shepherds Calendar (Herford).

By Macmillan.

Tennyson : Lancelot and Elaine (Rowe).

By Macmillan.

Tennyson : Guinevere (Macaulay). 8vo.

By Macmillan.

Turpin, G. S. : Practical Inorganic Chemistry.

By Macmillan. *Appendix D.*
Donations to Library.

Turpin, G. S. : Practical Organic Chemistry. 8vo.

By Professor Dixon.

United States :

Coast and Geodetic Survey. Report, 1893, Part II.

By the Superintendent.

Geological Survey, 14th Report. Parts I., II. 1892-93.

By the Director.

Iowa Geological Survey. Vols. III., IV.

By the State Geologist.

Minnesota : Geological and Natural History Survey. 22 and 23
Reports. 1894-95.

By the State Geologist.

Missouri : Geological Survey. Vols. IV.-VII.

By the State Geologist.

Bureau of Ethnology :

Siouan Tribes of the East. By James Mooney.

Chinook Texts. By Franz Boas.

Archæological Investigations in James and Potomac Valleys.

By Gerard Fowke.

From the Smithsonian Institution.

Department of Agriculture :

The Common Crow. By Walter R. Barrows.

The Jack Rabbits of the United States. By T. S. Palmer, M.D.

North American Fauna. No. 10.

From the Department of Agriculture.

Report of the Commissioner of Education, 1892-93. Vols. I., II.

From the Education Department.

Smithsonian Institution :

On the Density of Oxygen, &c. By Ed. W. Morley.

Index to the Literature of Didymium, &c. By A. C. Langmuir.

Indexes to the Literature of Cerum and Lanthanum. By W.
H. Magee.

An Account of the Smithsonian Institution. Its Origin,
History, &c.

Contributions to Knowledge. (1889).

From the Smithsonian Institute.

Appendix D. Uruguay : Memoria Correspondiente Al Año 1893.

Donations
to Library.

From the Registrar-General of the State.

Weekly Returns of Births and Deaths in Ireland.

(Received regularly). *From the Registrar-General.*

Williamson, W. C. : Reminiscences of a Yorkshire Naturalist. 8vo.
London. 1896.

From Professor Hartog.

Young, A. : Theatre Panics and their Cure.

(Pamphlet). *By the Author.*

Donations
to Museums
&c.

NO. XXI.—DONATIONS TO MUSEUMS.

Professor Sollas, Trinity College, Dublin :

A Relief Map of Ireland.

The Director, Royal Botanic Gardens, Calcutta :

Two Boxes of Dried Plants.

Surgeon-Captain J. B. Smith, I.M.S. :

A Pathological Specimen.

A Collection of Flint Implements from India.

The following gentlemen presented specimens to the Anatomical and Pathological Museum during the Session 1895-96 :—

	Pathological Specimens.
Dr. M'Ardle, - - -	16
Dr. Cotter, - - -	14
Dr. Pearson, - - -	5
Dr. Hobart, - - -	4
Dr. L. O'Sullivan, - - -	3
Dr. Cummins, - - -	3
Dr. Atkins, - - -	3
Dr. Corby, - - -	2
Dr. Donovan, - - -	1
Surgeon-Captain Smith, - - -	1
Dr. Reid, - - -	1
Dr. D. J. O'Connor, - - -	1
Dr. P. O'Brien, - - -	1

J. COTTER,

Curator Anatomical and Pathological Museum.

May 15th, 1896.

AN EXTRAORDINARY VISITATION of the COURT of VISITORS.

On Wednesday and Thursday, the 16th and 17th of May, 1894, an extraordinary Visitation of the Court of Visitors was held at the Queen's College, Cork, to enquire into certain charges preferred by the six Members of the Council, viz.:—Professors ALEX. JACK, OWEN O'RYAN, MARCUS HARTOG, W. RIDGEWAY, HENRY CORBY, and G. F. STOKES, against the President of the College, Mr. J. W. SLATTERY. The charges are set out in the annexed pages.

Mr. JUSTICE HOLMES, Dr. WALTER SMITH, President of the College of Physicians, and Dr. EDWIN HAMILTON, President of the College of Surgeons, constituted the Court.

Messrs J. H. Campbell, q.c., and R. A. Powell, b.l. (instructed by Mr. W. J. Dunlea, Solicitor, LL.D.), appeared for the Members of Council, and

Mr. John Roche, q.c., and Mr. D. F. Browne, b.l. (instructed by Messrs W. J. Bourke and M. McCarthie, Solicitors), represented the President.

GENERAL APPEAL OF THE SIX PROFESSORS Elected Members of the Council, Queen's College, Cork, February 16th, 1894.

TO THE VISITORS OF QUEEN'S COLLEGE, CORK:—

MY LORDS and GENTLEMEN,—We, the undersigned, being the six Professors, who, with the President, constitute the Council of Queen's College, Cork, have the honour to set forth the following acts or decisions of the President, which we regard as not in accordance with the provisions of the statutes, and as interfering with the exercise by us of the powers in relation to the government and administration of the College conferred on us by the statutes of the College.

1. In the summer of 1891 a sum of £400 was given to the College by the administrators of the late William Crawford, Esq., D.L., for the payment of an assistant to the Professor of Natural Philosophy for the purpose of carrying out the intentions of the late Mr. Crawford to enable the College to take part in the combined international scheme of photographing the heavens, with which object in view he had already provided the Crawford Observatory in the College with photographic apparatus. The President, of his own authority, appointed Mr. James Porter to be the assistant, and refused to allow the Council to receive reports of the work done in the Observatory from either the Professor or the Assistant, and he asserted these powers, on the ground that the Council was only a consultative body, and that he had a veto which he would exercise if the Council should pass any resolution dealing with the matter. We now beg to submit that inasmuch as such an Assistant to a Professor paid out of such a fund cannot be regarded as a minor officer or servant of the College, he thereby interfered with the general government and administration of the College by the Council. (Statute C III, sec. 1).

II. The President has of his own authority:—

(1.) Refused to put to the vote of the Council a resolution duly proposed and seconded on the 18th of October, 1893; and again on the 9th

of November, 1893, placed on the minutes of the Council a statement that "the President not having yet had time to examine fully into the subject of this motion, it must remain over for the present."

(2.) Ruled on the 18th of October, 1893, that certain words dictated by him must be introduced into an order about to be made by the Council, and stated that he would not receive a pertinent amendment which a member of the Council desired to move.

(3.) Instructed the Registrar on two occasions, viz., the 18th of March and the 8th of April, 1892, to insert on the minutes of Council statements prepared by him.

(4.) At the meeting of Council of the 14th of December, ruled to be out of order a motion made by a member of Council at the meeting of the 27th of November, to the effect that the minutes of the 9th of November should be amended in a certain way, and ruled that that motion should not be inserted in the minutes of the meeting of the 27th of November.

(5.) On two occasions, viz., the 9th of May, 1893, and the 25th of November, 1893, declared that he dissolved the meeting of Council while there was still important business before it, and he continues to claim the right to do so.

(6.) At the meeting of the Council of the 14th December, 1893, he claimed the right to sign on his own responsibility the minutes of the meeting of the 27th November, 1893, which the Council had refused to pass in their incomplete state. The above being contrary to the provisions of the statutes which give to the Council the power to regulate the course of proceedings at meetings of the Council. (Stat. C III., sec. 5, clause 1.)

III. The President refused, on the 14th of December, 1893, to affix his signature to a resolution of the Council making arrangements for the times of its ordinary meetings, thereby preventing this resolution from coming into operation, and by so doing has interfered with the exercise by the Council of the power of making arrangements as to its ordinary meetings conferred on it by the statutes. (Stat. C III., sec. 5, clause 2.)

IV. The President has on several occasions withheld from the knowledge of the Council communications relating to the government and administration of the College which he had received from different departments of the public service, and has, of his own authority, replied to them and conducted a correspondence on them, without affording the Council any opportunity of stating their views with regard to them, and has merely read such correspondence to the Council either when the matter under discussion had been definitely settled, or when the discussion on it had reached such a stage as to render any modification of it practically impossible, and by this action has deprived the other members of the Council of the right given to them by the statutes of taking an active and effective part in the government and administration of the College; and on one occasion he has carried out this plan of action, notwithstanding his having received explicit directions in a letter received from his Excellency the Lord Lieutenant that it should be laid before the Council, so that it was not read to the Council until a considerable period had elapsed, until the correspondence had been further prolonged, and until the matter under consideration had been finally settled.

On another occasion he withheld from the knowledge of the Council information of which he was in possession of the intention of the Irish Government to withhold from a Professor of the College a sum known as "the augmentation of his salary," the Council being responsible for the payment of this sum. The Corporate Body having voted that

certain amendments should be made in a draft memorial, which they requested the President to forward to the Government, he forwarded on their behalf a document in which these amendments were not incorporated. He has also stated that he would not allow the correspondence of the College to be conducted in the manner prescribed by the College statutes, that is to say, by the Registrar, under the direction of the President (Statute C IV., sec. 4, and C VI., sec. 10), which manner would secure for the whole Council free access to it and full knowledge of all that was contained in it; and has even gone the length of saying that, if he were obliged, he could mark "confidential" all the correspondence of the College with the Irish Government which he now keeps in his own hands.

V. The President has removed from the custody of the Registrar and retains in his own possession all the correspondence of the college, placed by the late President of the college in the Registrar's office, together with the correspondence which had always been in the custody of the Registrar; and he also retains in his own possession all the correspondence with the different departments of the Government referred to under the preceding heading; to which the other members of the Council have no access, although important action must frequently be based on this correspondence.

VI. The President has, of his own authority, granted the use of rooms in the college without the knowledge or sanction of the Council, as for instance, in permitting the attendant in the refreshment room to sleep and live in that room for some weeks in the beginning of the session 1891-2, and again in authorising the public meeting of the Queen's College Philosophical Society to be held in the Examination Hall in January, 1893, and thereby has assumed an authority not given him by the statutes, but included in the general government and administration of the college, reserved by the statutes for the Council.

VII. The President has habitually omitted to appoint a deputy from among the professors on occasions of his absence or illness as prescribed by the statutes (stat. c. IV., sec. 18), thereby making it impossible for meetings of Council to be legally summoned (stat. c. IV., sec. 16), and for professors to obtain lawful leave of absence (stat. c. IV., sec. 8), even in cases of emergency such as have arisen.

VIII. The President in the month of June, 1893, immediately after the close of the college session, of his own authority directed the Bursar to increase the wages paid to one of the college servants, thereby causing the total sum paid under that head to be in excess of the sum ordered to be paid by the Council, and has by so doing directly interfered with the control of the college expenditure given to the Council by the statutes (stat. c. III., sec. II), and more particularly set out in the letter of the 6th of December, 1873, written by Lord Hartington, then Chief Secretary to the Lord Lieutenant.

IX. At the meeting of the Corporate Body held on the 24th of March, 1893, for the purpose of electing two members of Council, the President, after declaring the result of the ballot, took possession of the balloting papers, and removed them in his custody, thereby preventing their destruction by burning them in the presence of the meeting in accordance with the practice which has hitherto prevailed.

We, therefore, humbly pray that your Court of Visitors will hear this our appeal, either at the ordinary triennial visitation due to be held according to the provisions of the college statutes during the present session: or, if such an appeal cannot be heard at an ordinary visitation, then at an extraordinary visitation to be held immediately subsequent to the said ordinary visitation; or else at an extraordinary visitation to

be held at such time as you shall appoint; and that you will determine whether the acts or decisions of the President herein set forth are in accordance with the plain meaning of the college statutes. So that in the future conduct of the business of the college, all occasion for differences of opinion as to the respective rights and duties of the different members of the governing body of the College may, as far as possible, be removed.

We have the honour to remain, my Lords and Gentlemen, your most humble obedient servants.

ALEX JACK.

OWEN O'RYAN.

MARCUS HARTOG.

W. RIDGEWAY.

HENRY CORRY.

G. F. STOKES.

II.—MEMORIAL OF THE REGISTRAR.

MY LORDS AND GENTLEMEN,—In connection with the general appeal against the omission of the President to appoint a deputy in his absence, as directed by the statutes, in which as a member of the Council I have joined with the other members, I feel myself obliged in my capacity as Registrar to appeal against further acts of the President arising out of this omission on his part—that is to say, instructions given by him when leaving the College that I should keep him informed during his absence of all matters of importance that might require his attention or presence, thereby imposing on me a duty not imposed by the statutes, and which the statutes do not give him power to impose; and, in addition, what is perhaps of more importance, involving the Registrar in a responsibility which, properly speaking, devolves on the deputy, and which is not, in the case of the Registrar, associated with the executive independence which would be possessed by the deputy. In the same connection, and arising out of the same cause, I have to ask for your decision in reference to a charge of neglect of duty, in connection with the summoning of a meeting of Council, made against me by the President in a letter dated the 25th April, 1892.

I have also to bring under your consideration the repeated demands made by the President on me for reports in reference to matters on which he has been at issue with other members of the Council requiring search through and extracts from the College records, extending over long periods, in one case over a period of twenty-nine years, and in another over a period of nineteen years. While I am at all times ready to give any information that may be in my possession, I venture to submit that reports of this nature do not properly come under the head of "College Documents," which under the statutes the President is authorized to call on the Registrar to prepare.

I have the honour to be, my Lords and Gentlemen,

Your most obedient servant,

ALEX. JACK, Registrar.

The Visitors, Queen's College, Cork.

APPEAL of Professor HARTOG.

Queen's College, Cork, February 20th, 1894.

My LORDS and GENTLEMEN,—I have the honour to submit to you the annexed copy of a correspondence* between the President of Queen's College, Cork, and myself, which arose out of the proceedings of the Council, consequent on his refusal to put to the vote a resolution duly proposed and seconded on the 18th of October, 1893, and on the 9th of November, 1893, and on his attempt to dissolve the council on the latter date against which acts or decisions the six elected members of Council have addressed an appeal to you.

In this correspondence he claims the right to interrogate me by letter as to my share in the proceedings of Council; he characterises as "offensive," language used and action taken by me legitimately and in good faith in the discharge of my statutory duties as a member of the Council; he threatens to make such language and action the basis of proceedings against me, and uses other threatening language, whereby he endeavours to intimidate me in the discharge of these duties, and he continued at the meeting of Council of the 14th of December last to use similar language of a threatening character.

I consider myself aggrieved by the acts or decisions of the President herein set forth, and humbly pray that you will hear this my appeal at the next triennial visitation, or at an ordinary visitation.—I have the honour to remain, my lords and gentlemen, your most obedient servant,

MARCUS HARTOG,

Professor of Natural History.

On the Visitors taking their seats,

Mr. Justice HOLMES said—Now the question arises before the Visitation begins as to the Registrar. The statutes of the College provide that the Registrar of the College should act as registrar to the Visitors. I have received a communication from Mr. Jack, who, I understand, is the Registrar, calling attention to the fact that he is himself one of the Appellants, and asking us whether, under the circumstances, it would not be an appropriate thing to appoint some other person to act on this occasion. After consultation, we have come to the conclusion that there is no necessity for that, inasmuch as anything the Registrar does here will be purely ministerial and almost mechanical, acting under our direction. Mr. Jack will take notes of the proceedings, and we will now commence.

The statement was followed by some interruption, and—

Mr. Justice HOLMES said—I wish that everybody here would understand that the Visitors were there on a judicial inquiry. If these manifestations continue, the Visitors shall retire immediately until the room is entirely cleared. Decorum must be preserved (applause). The room will be at once cleared unless decorum, to which the interrupters do not seem accustomed, is preserved.

Mr. John Roche, Q.C., on behalf of the President, then said—I wish to make an application, which is concerned in the interest of the College, and that is—that this visitation and inquiry should be held with closed doors, excepting the Professors who are the Appellants in the matter, and such members of the College or the College Staff as your Lordship would consider entitled to be present. As to all others, I think, and

* The correspondence will be found in the body of the report.

the President desires me to express that in the best interests of the College it would be desirable that this Visitation should be held with closed doors.

Mr. *Campbell*, Q.C., on behalf of the Professors, said—On behalf of the Appellants, for whom I appear, I must oppose this. Those who have called for this Inquiry have nothing to conceal, and court the fullest inquiry, as the matters involved are vital to the well-being of the College. Of course we deprecate in the strongest manner anything that would interfere with the calm and careful consideration of these matters, but, I think, it would be without precedent, and certainly it would be inconsistent with the character of that inquiry as a public inquiry that it should be held with closed doors.

Mr. *Roche*.—So far as the question of precedent is concerned, there is a precedent in existence. In the year 1857 a Commission was appointed to inquire into matters exactly similar in their circumstances to these, that is—certain complaints were made by the Council of that day against the then President, and on that occasion, I am informed, the inquiry was held with closed doors.

Mr. *Campbell*.—The inquiry of 1857 was a Royal Commission. There were defalcations and other matters. That was a Royal Commission; this is a Visitation, a legal court, a legal tribunal, and it is the element and breath of every legal tribunal that its inquiry should be held with open doors.

Mr. *Roche* drew the attention of the Visitors to the fact that certain official documents which were of a confidential nature, and which had passed between the Government and the President, would have to be produced in the course of the inquiry.

After a consultation with the other Visitors,

Mr. Justice HOLMES said—This is a matter which has not come before us for the first time. It presented itself to our mind previously, and we have endeavoured to ascertain what has been the usage on occasions of this kind, and so far as we can ascertain an inquiry of this kind is public. I have been at visitations in the University of Dublin, and on these occasions any persons could go in there. I understand that has been the usage in the Queen's College, and the commission to which Mr. Roche refers cannot be put forward as a precedent as to what may be done on the occasion of a visitation. Of course matters of this kind cannot be semi-public, if it is public at all, it must be public in the fullest sense of the word, that is, public to the Press who really represented the public on these occasions. So far as the Press are concerned they remain.

Any person who conducts himself properly may also remain so far as the limitations of the room will permit; but I must again remind you that we are engaged in a judicial inquiry, and the decorum observed in a judicial inquiry will be observed here.

Mr. *Campbell* opened the case for the appellants and said.—There are three applications before the Visitors—the first is a joint application by the members of the Council, the second is one by Professor Jack, who, in addition to being a member of the Council, is also Registrar of the College, and the third is by Professor Hartog, who, in addition to being a member of Council, is also, as I have said, a Professor.

It will be a matter of convenience on both sides, and will shorten the inquiry, if the subject-matter of these three applications are briefly referred to by me, altogether, because they all dovetail into one another, and each and all arise out of the same set of circumstances, and I propose briefly to open facts involving the subject-matter of the three applications.

My lord, under the statute regulating the constitution of the College, in the first instance it is divided into the body politic and corporate, consisting of the President and the Professors. There is a second body called the College Council, and it consists of the President and six elected members of Council. The six gentlemen who are the appellants—Professors Ridgeway, Hartog, Jack, Stokes, Corby, and O’Ryan—have been for some time past members of this Council, and it is they who, in their capacity as members of Council, have sent in the first application. Now, my Lord, the form of the application that is before you deals with a number of distinct matters, and I will very briefly refer your lordship to each and every one of them. The present President (President Slattery), was appointed in the year 1890, and, my lord, I regret to have to state it, but I think it will appear in the course of the proceedings, that within a short time of the date of that appointment up to the present he has pursued a system, the object of which apparently is to degrade the Council and to deprive it of the functions conferred on it by statute. His idea apparently is that the Council is merely an advisory body with which he is at liberty to confer, but which has no administrative functions, and in pursuance of that belief, which he appears to hold as to the powers and rights of the Council, he has, since early in the year 1892, pursued a policy toward it which has resulted—if he is right—in robbing them of all the rights and powers they have previously exercised, and of all the rights which they say are conferred upon them by statute, and in doing that he has not done it with the best grace; because, whether by his action, or his words, or his demeanour on all occasions, when these matters have arisen as subjects of controversy before the Council, both his language and his demeanour have been of a very insulting character to each member of the Council, and the matter came to such a crisis that in the end the Council, if they were to have any regard for their own self-respect, and if they were in the interest of this College to retain the rights conferred upon them by statute, had no alternative but to submit to his dictation, or else bring the matter before you and have a judicial decision on the matters involved. Now, the first subject-matter of the complaint is that he has withheld all information with regard to certain endowments or contributions from private sources for educational purposes connected with the Queen’s College, Cork. It appears that a gentleman named Crawford—

Mr. Justice HOLMES.—There is no mention of this matter on the document before us.

Mr. Campbell.—The first one is this—

Mr. Justice HOLMES.—It is not made the subject of a complaint—“the withholding of knowledge.”

Mr. Campbell.—You will see it is. You will see I am right if you look at the first complaint, which states that “the President of his own authority has appointed Mr. James Porter to be the assistant, and refused to allow the Council to receive reports of the work done in the observatory from either the Professor or the Assistant, and he asserted these powers on the grounds that the Council was only a consultative body, and that he had a veto which he would exercise if the Council should pass any resolution dealing with the matter”—

Mr. Justice HOLMES.—Yes, but I understood you as saying it was the subject-matter of the complaint that he withheld from the Council information as regards the nature and character of the endowment.

Mr. Campbell.—There are several instances. You will see in the statement of complaint—complaint number four—that “the President has on several occasions withheld from the knowledge of the Council

communications relating to the government and administration of the College which he has received from different departments of the public service.

Mr. Justice HOLMES.—Perhaps it is better to deal with the several complaints in order.

Mr. Campbell.—I will only deal with the first instance—that is, as to the appointment of Mr. James Porter, and the refusal of the President to allow any reports as to the work done by this Mr. Porter. The facts are shortly these. A gentleman named Crawford, who was a well-known merchant in the City of Cork, from time to time contributed large sums for the advancement of different branches of education in the Queen's College, Cork. And, my lord, it appears that a few years ago there was a meeting held in Paris—a congress of astronomers was held there—at which it was determined to have, as far as possible, a simultaneous photographing of the heavens, with a view to ascertain, as far as possible, the size and position of the different constellations in the firmament, and Mr. Crawford, to enable the Queen's College to do that, offered and undertook, and paid for all such improvements to the observatory and the telescope by Sir Howard Grubb as would enable that work to be done. Professor England, under whose duties these matters connected with the observatory properly fell, did not feel that the time at his disposal would allow him to give his undivided attention to this, and he appears to have been of the opinion that an assistant would be necessary, and Mr. Crawford in his lifetime undertook to give the sum of £400 for the purpose of defraying the expense and the salary connected with the employment of an assistant. He died before that was carried out, but his administrator appears sometime—we do not know the date; we have not ascertained it, the President refused to disclose it—it appears that in the summer of 1891, Mr. Crawford's administrator handed over to the President the sum of £400. Now, the very first time that any intimation with regard to that £400 or its expenditure came under the notice of the Council was on the 17th December, 1891; and, my lord, under the statutes and under some additional regulations to which I will call your attention very briefly, it is the duty of the Council as such to certify and pass resolutions authorising the disbursement of every shilling in the College, and the statutes and provisions subsequently passed are so stringent in their character that they actually make each member of the Council personally responsible for the application of each shilling that is so voted, and if there is any miscarriage, or any mis-appropriation, or any mis-application of the funds of the College, each member of the Council personally is made liable to indemnify the College for that mis-application. Now, accordingly, in accordance with that requirement, as I stated on the 17th December, 1891, intimation with regard to the expenditure of this £400 was given for the first time, and the way it appeared was this—A long list of payments that required resolutions sanctioning them was presented on that day, and amongst them was one for a sum of £25 to Mr. James Porter. That escaped notice at the time. It was one in a long list, and no special notice was called to it at the time, but on the 7th of January, for that was the next meeting of Council, the minutes of the previous meeting recorded the fact that amongst the payments was this sum of £25 to Mr. Porter. That for the first time directly called the attention of the Council to this, and thereupon one of the Council, Professor Stokes, asked the President some question about it, and then for the first time the Council learned that a Mr. James Porter had been appointed some months before by the President to some position

subordinate to Professor England, the exact nature of which the Council up to the present day have not been able to ascertain. Well, they put some questions at the meeting of the 7th January, 1892, and could get neither satisfactory explanations nor replies of any sort, and at the next meeting—the 25th February, 1892—the financial meeting—another member of Council, Professor Ridgeway, again called attention to this matter, and pointed out that it was all-important for the Council, inasmuch as they were liable to indemnify the College resources in the event of this £400 being applied in any way that the statute did not authorise or recognise. They failed on that occasion to get any information. Professor Ridgeway and others remonstrated, but the President still maintained the attitude that they had not any right to know anything about the matter, that it was entirely for him, and that he would give no information about the subject. The next meeting was on the 2nd March, 1892, and the President thereupon appears to have come to the conclusion that he was rather premature and wrong in declining on the 7th of January and the 25th of February, 1892, to give the opinion asked for, and he accordingly adopted the most curious course that forms the subject matter of a complaint. He asked for the minutes of January the 7th, 1892, and said he desired to amend them. These minutes of course had been signed and passed at the subsequent meeting. But on this later meeting of the 2nd March, 1892, the President, as stated, called for their production and said he desired to amend them. Professor Stokes said they could not be amended as they had been confirmed at the following meeting, and the reply he got was that his language was insulting, that it was a matter for the President, that he had complete control over the minutes and could add, alter, or amend them in any way he thought fit. Another member of the Council, Professor Ridgeway, pointed out that there could be nothing insulting in making these points, that it was important for the Council to know about the expenditure of the money, that if anything happened to the money, and if it was not applied in pursuance of the powers conferred by statute on the Council, that the Council would be liable. The President lost all control, shook his fist in Professor Ridgeway's face, and used some language of a character which I am not going to mention having regard to the nature of this assembly. That passed off, but he insisted on putting his statement on the minutes of the 7th January. I should have said that he did not insist at that meeting, and the matter was brought forward next at the meeting of the 2nd of March, and postponed. At the next meeting, which was on the 18th March, the moment the Council assembled, the President peremptorily ordered that the statement which he had prepared should be inserted on the minutes of the 7th of January, and it was so inserted. This is a long statement in vindication of himself in which he sets out that he had on the 7th of January given all information on this question of Mr. Porter to the Council. As a matter of fact, as I stated, no such information was given on the 7th of January, but was declined in the most rude and peremptory manner. This statement inserted on the 18th of March was intended to save himself after probably having come to the conclusion that he had exceeded his power, and had done wrong on the previous occasion. When he had read his statement he ordered the Registrar to insert it on the minutes, and turned round to Professor Ridgeway who, I may mention, in addition to being one of the most distinguished students of his time in Trinity, and Professor of Classics in the College, is also a Professor of Cambridge University (applause).—

Mr. Justice HOLMES.—I must ask for order. There is no difficulty in

keeping quiet. If any gentlemen wish to make a noise, they can find ample liberty in the spacious grounds that I see around these buildings.

Mr. Campbell.—Mr. Ridgeway from his attainments deserved a voice in the deliberations of that Council, and deserved to be treated with ordinary courtesy. The President told Professor Ridgeway that he must apologise for having suggested the possibility of the £400 being applied otherwise than in the way prescribed by the statutes.

Mr. Justice HOLMES.—I have spoken to my colleagues, and they agree with me that there is nothing in the document set before us asking for this extraordinary Visitation, calling attention in any way or making any formal complaint in reference to the demeanour of the President, or his language on any particular occasion, or to the several matters to which you have directed our attention.

Mr. Campbell.—Of course I am aware of that, and I will pass away from it. The only reason I mentioned it is that as regards the subject matter I do not know if there will be any conflict. If there is, the whole matter will have to be gone into.

Mr. Justice HOLMES.—I do not think it is necessary to go into details. As far as I can see, looking through the various matters, they are all more or less questions of law. I do not say they are, but they all partake of the nature of legal questions, and if the facts upon which the legal issue arises can be ascertained or agreed upon, then there will be no difficulty in coming to a conclusion.

Mr. Roche.—On behalf of the President I must say that from the nature and tone of Mr. Campbell's remarks, and the charges he has made, I am afraid that will be almost impossible.

Mr. Justice HOLMES.—Of course it is impossible for any one to call the attention of counsel to the fact that he is going outside the scope of this particular inquiry until he has been heard, but I have interposed at the present time—

Mr. Campbell.—Very well, my lord. I'll go on, and avoid any matters of a personal character, and see how far I can exclude them, and will bring before you the facts we consider material. At that meeting of the 18th of March, Professor Stokes proposed a resolution that Professor England or his assistant, Mr. Porter, should report from time to time to the Council as to the nature and progress of their work. The President stated that he would allow no such resolution to be put, that the report must be given to him, that the money had been given to him by the Administrators of Mr. Crawford to dispose of according to his own discretion, and that he would allow no such resolution to be put, and I may mention, as a result of that proceeding, from that time up to the present, the gentleman, Mr. Porter, is engaged, and employed here to do work, getting paid out of this £400, performing duties the nature of which is unknown to the Council, the tenure of his office is unknown to the Council, and the entire department with which he is connected, that of celestial photography, is absolutely withdrawn from their cognizance. I will refer to the statutes dealing with the subject in a moment. The subject matter of the first complaint is this, that the President has, of his own authority, appointed Mr. James Porter to be assistant in the observatory, and has refused to allow the Council to receive reports of the work done, as is usual in such cases. That is the subject matter of the first complaint, and I have stated, as relative to that, that a resolution was proposed at the Council, that the Professor or the assistant make reports to the Council. The President absolutely declined to have any such resolution put forward, and said if the Council adopted it, he would veto it.

Mr. Justice HOLMES.—I would say the most important part of No. 1

statement is what follows, "and he asserted this power on the ground that the Council was a consultative body."

Mr. *Campbell*.—Of course, I must point out what led up to the matter. That arose on a resolution brought forward by Professor Stokes. The President said the Council had no power except as a consultative body, and that he would veto any such resolution as had for its object the giving of any such report.

Mr. Justice HOLMES.—You say you will call our attention to the statute giving the Council power over this money. Can you give the Visitors any information as regards the nature of this gift of £400?

Mr. *Campbell*.—I can give you no further information. It is all in the breast of the President. It was given in supplement to a previous gift of Mr. Crawford for the purpose of enabling the Queen's College, Cork, to join in this congress of astronomers of universities whose astronomers were engaged in the simultaneous work of photographing the heavens.

Mr. Justice HOLMES.—I understand you said there was some entry made by the President in the minutes in which he purports to tell all about this matter.

Mr. *Campbell*.—That's the entry of the 18th March.

Mr. Justice HOLMES.—What is it? It seems to be important.

Mr. *Campbell*.—I'll read it.—The President laid the following statement before the Meeting—"At the Meeting of the Council on the 7th of January last, I gave an outline of the principal facts relating to the advancement of a sum of £400 to the College by the administrators of the late W. H. Crawford, of Lakelands, stating that it arose out of an arrangement between Mr. Crawford and the late President in which the former promised to supply funds to enable the observatory to be used for the purpose of photographing the heavens; that I was informed in July last by Professor England that the necessary adjustments in the equatorial telescope had just been completed, that the expenses incurred were on the point of being defrayed by the administrators of the Crawford Estate, and that on application to the solicitor to this estate the further sum of £400 would in pursuance of the above stated arrangement be paid over, such sum to be used in paying the salary of an assistant in the observatory whose duty it would be to carry out the work of celestial photography; that I was urged by Professor England that as this was the proper season for undertaking the work, I ought to lose no time in employing Mr. James Porter, B.A., a Graduate of the College, who had acquired special skill in celestial photography under the direction of Professor Norman Lockyer; that having ascertained from the solicitor to the Crawford Estate that the £400 would be duly forthcoming, I employed Mr. Porter to undertake the work referred to, placing him under the supervision of Professor England, who has charge of the Crawford observatory, and arranging that his engagement should be a monthly one, and his payment at the rate of £75 a year; that for various causes it happened that the £400 was not paid over until December, and that in the interval on the application of the Bursar I had supplied him with funds to pay Mr. Porter's salary as it became due; that on receipt of the £400 I lodged it in the Bank of Ireland on an account marked the Crawford Observatory Fund, Queen's College, Cork, such fund to be drawn against from time to time as required by cheques, signed by the Bursar, and countersigned by the President; and finally having answered some questions relating to the subject I suggested that a vote of thanks should be passed to the administrators of the late W. H. Crawford, of Lakelands, for the gift of £400 to be expended in carrying on celestial photography in the Crawford observatory, which was accordingly done. The matter being then as I understood closed, I was surprised at its

being reopened for purposes not definitely stated at a Council meeting of the 25th of February, the statement of which an outline has just been given was completely ignored, and observations were made in a manner, and of such a nature as I forbear for the present at least to place on record. To prevent a repetition of this conduct, I have now restated in writing the substance of my verbal statement on the 7th of January, and I instruct the Registrar to enter this re-statement in the Council Book.

"JAMES W. SLATTERY, President."

This purports to be a statement of facts made on the 7th of January, none of which were made.

Mr. Justice HOLMES said the material circumstance in that was that it gave an explanation of this £400, and the purpose to which it was applied.

Mr. Campbell.—We will take it on that basis. On the face of that statement he admits he exercised the power of appointing this assistant; that he paid him by a cheque that did not go before the Council, but which was countersigned by the Bursar and signed by him. We say that he had no power to appoint him; that the appointment of assistant lies with the Council, of which body the President is a member, and it is they whose duty and prerogative it is to appoint this assistant, and it is upon them is cast not only the obligation to sanction that payment but a liability to refund every shilling in the event of its turning out that any payment has not been sanctioned or has been misapplied. This question was decided many years ago by a Visitation in the case of a Professor Alcock, and it was decided that the power of appointing an assistant was vested in the Council, and until the act of the President in appointing Mr. Porter that practice has been adhered to.

Mr. Justice HOLMES.—Can you read from the records of the Council what was done on that occasion?

Mr. Campbell.—I am sure we will get it from the Registrar.

Mr. Justice HOLMES.—I have never heard of it.

Mr. Campbell.—We will produce the documents. What was decided then was that the Professor might nominate his assistant subject to the approbation and approval of the Council. The appointment is worthless unless it is brought before the Council and sanctioned by them. In this case the appointment of Mr. Porter was never brought before the Council. He was in receipt of his salary and held his position for months before they knew of his existence, and if the decision in Alcock's case is as I state I take it it decides that point. Now, my lord, the next matter is that the President claimed in substance, as may be seen from the next paragraph, to practically control and dictate all the proceedings at the meetings of Council. If you look to the little volume of statutes before you, you will see that is an express violation of one of the clauses. In chapter 3, page 11, it is stated, "the Council shall have power to regulate the course of proceedings at meetings of Council and to make arrangements as to the times of its ordinary meetings." Now, the way that question arises and the way in which it becomes the subject-matter of a complaint between the President and the Council is this:—On the 18th October, 1893, Professor Hartog moved a resolution fixing specific dates for the ordinary meetings of Council as distinguished from extraordinary meetings. You will see under the statutes that meetings, ordinary and extraordinary, are to be held. The experience of the Council had shown them that it was a great inconvenience in regulating the administration of the affairs of the College, that they never knew the date of Council meetings, and on several occasions, instances of which we will give to you, matters came to

a deadlock owing to the fact that the President would not hold an ordinary meeting of Council. On one occasion the results of the scholarships were delayed.

Mr. Justice HOLMES.—Well, I think that is going outside the matter. It is a pure question of law as to whether this resolution should be passed or not, not whether there was previous inconvenience or not.

Mr. Campbell.—Professor Hartog proposed that resolution, and the President at once said he would not allow it to be put, and that he would require time to consider it. Then in deference to the expression of his wish for an opportunity of considering it, a member of Council moved that it should be adjourned for consideration by the President, and the President refused to put that, so he would neither allow the resolution to be moved or sanction an amendment adjourning the consideration of it to the next meeting. It came up again on the 9th of November, 1893, and the President announced that he had not time yet to consider it and it must lie over. Now, where he gets his power to put a stay on the moving and seconding and passing of a resolution, and delegates to himself the right to say, "I'll postpone it indefinitely," I do not know. It is not in the statutes and I do not know where he found it. I will go shortly through the facts. Professor Hartog then intervened; I am only mentioning this because it forms the subject matter of Professor Hartog's special application. The special application is conversant with what occurred on the 18th October and the 9th of November, 1893. Professor Hartog then said, it would not be a desirable thing or a creditable thing to the Council if an all-important matter of this kind was allowed to lie over. Professor Hartog, having remonstrated on the 9th November, 1893, about the delay which would ensue if the President would exercise this arbitrary power, of having everything lie over until he had given it consideration, said such a course would bring the Council into discredit. The President then said he was insolent and would report him to the Visitors, a matter which he has thought better of and has never done up to the present. Subsequently he wrote a letter insulting in its tone asking Professor Hartog if he stood by what he had said, and that if he did he (the President) would report him. Professor Hartog considers that both the President's manner and his letter were insulting and degrading to him and his office, and he has sent in an application and refers the facts to the Visitation here. The letters which passed form part of the application. Professor Hartog sets out the correspondence.

Mr. Justice HOLMES.—You had better read it as we have no copies of it.

Mr. Campbell.—It is not the fault of Professor Hartog, who forwarded the application and the letters to the President.

Mr. Justice HOLMES.—I don't say it is the fault of anyone. I am not aware that it was part of the duty of anyone to bring the correspondence under our notice before this.

Mr. Campbell.—I think the President should have sent forward the copy of the correspondence annexed to the complaint.

Mr. Justice HOLMES.—Even if it were, I do not think it very material.

Mr. Campbell then read the correspondence. The first letter is the 10th November, 1893—

"Queen's College, Cork,

"10th November, 1893.

"DEAR SIR,—You stated at the Council Meeting last night that I, as President and Chairman of the Council, had no power to dissolve a meeting of the Council, and that if I dissolved the meeting then and

there, you would move another member into the chair and continue the meeting. Will you be kind enough to say whether you admit the substantial accuracy of what you said? An early reply will oblige.

"Yours very truly,

"Professor Hartog."

"JAS. W. SLATTERY.

REPLY.

"Queen's College, Cork, Nov. 11th, 1893.

"DEAR SIR,—I write to acknowledge the receipt of your letter of the 10th instant, which shall receive my best attention.

"I am, dear sir,

"Yours very truly,

"MARCUS HARTOG."

The next letter was from the President.

"Queen's College, Cork, Nov. 20th, 1893.

"DEAR SIR,—I write to remind you that I have not yet received a reply to my letter of the 10th inst.

"Yours very truly,

"Professor Hartog."

"JAMES W. SLATTERY.

REPLY.

"Queen's College, Nov. 21st, 1893.

"DEAR SIR,—In acknowledging the receipt of your letter of the 10th inst., I promised to give the matter my best consideration. This, I have done, and I have now finally come to the following conclusion. As your question refers to the course of proceedings at meetings of Council, and to the rights of Council, I do not feel justified in answering it, save at a meeting of Council.

"I am, dear sir,

"Yours very truly,

"MARCUS HARTOG."

Then followed the letter of the 27th of November from the President.

"Queen's College, Cork,

"November 27th, 1893.

"DEAR SIR,—In reply to your letter of the 21st instant, I beg leave to point out that the fact of the statement to which my letter of the 10th referred, having been made at a meeting of the Council does not deprive me of the right to a personal reply. This letter referred to a matter of fact—did you or did you not make a certain assertion or series of assertions. To answer this question requires no entering on a discussion of the course of proceedings at meetings of Council, or of the rights of the Council. These matters are mere side issues irrelevant to the main subject of my letter. It cannot be seriously contended that anything that takes place at meetings of Council can only henceforth be dealt with at a meeting of Council. You addressed to me at a meeting of Council, language of an offensive character. The words are admitted under your hand. You followed up these words by others of a similar character. Having decided to bring your conduct before the proper authorities, it occurred to me that if you were to admit

the use of the second group of words as you had admitted that of the first, the trouble of a formal judicial investigation might be avoided, and a judicial decision more easily arrived at. It was with this object in view I wrote my letter of the 10th. I am now disposed to think that the full judicial investigation will be the better course. It will enable me among other things, to bring out many collateral facts bearing on your conduct, and it is to such a court, a court of competent jurisdiction to try such cases, that I am now about to apply for redress. With such an inquiry the College Council, as a body, will have nothing to do. It has of itself no power to hold such an inquiry, and any attempt to do so would be an usurpation of the rights of a competent court. Individually, of course, each member will be concerned. It will be for me to state the charge; it will be for you to make what defence you can, and for each other member to give such evidence as the court shall seem fit. With these functions the connection of members of the Council with the case begins and ends. You are not at liberty, therefore, to answer my letter of the 18th, or by bringing it or any subject to which it may indirectly have reference, before the Council. If unhappily, after this statement of my opinion, you should persist in making the attempt, I shall rule you out of order; a ruling which, I have little doubt, will be upheld by the court before whom the case will be presently brought.

"I am, Sir,

"Very truly yours,

"JAMES W. SLATTERY.

"Professor Hartog."

To that Professor Hartog sent the following reply:—

"Queen's College, Cork,

"November 20th, 1893.

"Sir,—I have the honour to acknowledge the receipt of your letter of the 27th inst., which is receiving my most careful consideration.

"I am, Sir,

"Your obedient servant,

"MARCUS HARTOG.

"The President,

"Queen's College, Cork."

After a short consultation with his colleagues,

Mr. Justice HOLMES, said,—The reason I have been consulting my colleagues is, that I think this application may be disposed of at once, subject to anything you may have to say. These letters, I think, are private communications, and the replies are private communications. They, no doubt, show that the relations between these two gentlemen are strained, that is obvious on reading them, and it may be a matter of taste as to whether the President should have addressed or whether a particular reply should be given by a Professor, but it seems to be entirely outside the jurisdiction of the Visitors, and, we think, therefore that as far as this matter is concerned we are not called upon to offer any opinion.

Mr. Campbell.—I may say, my lord, that is really my view of the particular application, and it becomes immaterial because the issues raised by it are decided by the more important application of the Council at large.

Mr. Justice HOLMES.—Therefore, that is disposed of.

Mr. Campbell.—I am quite satisfied with that. Continuing his statement, Counsel said,—Keeping apart from these personal matters, I referred to the resolution of the 18th of October, 1893, for fixing the dates of the ordinary meetings of Council, and on the same day an important matter happened which it is right to refer to. Professor O’Ryan, who is a member of the Council and also Librarian, prior to the 18th October, 1893, had been challenged by the President for having been absent from the library during portion of the recess, and the Librarian had explained that it was necessary for him to be away as an examiner at the Royal University, and that he had the sanction of the Council.

Mr. Roche.—This is contrary to the facts contained in the correspondence.

Mr. Campbell.—We will prove all these allegations.

Mr. Justice HOLMES.—It is not dealt with in any document before us.

Mr. Campbell.—A resolution was moved at the meeting, the President declined to accept it, and said he would dissolve the meeting.

Mr. Justice HOLMES.—Would it not be better to begin by saying what the resolution was?

Mr. Campbell.—The Council of the 9th of November had this matter before them, and they came to the conclusion that they should inform the Lord Lieutenant that Professor O’Ryan was absent on the occasion in question with their knowledge and sanction.

Mr. Justice HOLMES.—I can’t find anything in reference to that. Are you dealing with the sub-head of section number two.

Mr. Campbell.—I am; but all these complaints go in on one another.

Mr. Justice HOLMES.—It would greatly facilitate us if you said what was the amendment and what were the words introduced.

Mr. Campbell.—That part has nothing to do with what I mention now. It has something to do with the first sub-head of that complaint.

Mr. Justice HOLMES.—You have dealt with that. You have mentioned what occurred on the 18th of October, and that the resolution which was proposed had to stand over after the 9th, the President not having had time to deal with it.

Mr. Campbell.—All that must come before you on the complaint of dissolving the Council. The only reason that I mention it now is that it being the same date you may keep it chronologically together. I will take it in the course you suggest, and I will not refer to it until I go into the complaint of dissolving the meeting of Council. I will now pass to the second branch of the complaint, which is that he dictated a certain order to be placed on the minutes, and that he refused an amendment to it. That was on the 18th October, 1893, and he insisted that a resolution of this kind should be put upon the minutes—“that in accordance with the sanction granted by the Lords Justices in the letter, &c., the lecturers in medical jurisprudence, &c., be re-appointed for the coming session.” The Council were of opinion that these references to the sanction of the Lords Justices were not required in the case, and that it might hereafter be used as a precedent in the case binding them to get the sanction, and accordingly one of the professors proposed to omit the words “in accordance with the sanction of the Lords Justices.” The President refused the amendment, peremptorily declining to receive it. The next sub-head of this complaint is the President putting statements of his own on the minutes, and apparently claiming the right to do it. He did that on two occasions. On the 18th of March, 1892, he insisted that that long rambling statement should be put upon the minutes of that day, and on the 8th of April, 1892, he

insisted upon a further long statement which I am not going to open to you, which contains some sneering remarks upon his colleagues in Council, but which he insisted should go on the minutes. I will refer you in a moment to the statute which deals with the matter, and you will see that the President has no such right. Now, the next matter of complaint is that on the 27th November, 1893, Professor Stokes moved to insert upon the minutes of the 7th November a statement that on the 7th November the President had said that he would dissolve the Council, and had left the chair. On the 7th of November the Council said that they would in justice to Professor O'Ryan mention that he was absent from the library with their knowledge and sanction. The President then got up and said "I dissolve the meeting," and left the chair, and with very great difficulty he was induced to come back, and the resolution was then put and carried. When the minutes of that meeting were read out at the subsequent meeting, no reference to this appeared on the minutes, and inasmuch as the President had threatened proceedings against Professor Hartog, with reference to the proceedings of the 9th, the Council thought all the proceedings of the 9th of November should appear upon the minutes, and Professor Stokes moved that the minutes should be amended by stating the fact that on the 9th November the President had dissolved the Council and left the chair. What was the action of the President?" "Give me that," he said, and he grasped the paper and put it into his pocket, and refused to allow the resolution to amend the minutes to be put, and as a matter of fact, there is a blank in the minutes for that date, and the minutes for that date have never been signed.

Mr. Justice HOLMES.—Do I understand the sequence of events on the 9th November to be, that some member moved a resolution to the effect that it was with the concurrence of the Council that Professor O'Ryan was absent. You say on that occasion the President declined to put that resolution, and said he would dissolve the meeting; was the meeting dissolved?

Mr. Campbell.—He left the chair, and at the entreaty of the Council came back again. They said they would put one of their own body in the chair if he left.

Mr. Justice HOLMES.—On the 9th and 27th November, Professor Stokes moved, that the minutes of the previous meeting should be amended by inserting upon them that this resolution was proposed, and that on its being proposed the President said he would dissolve the meeting. On that occasion he refused to put that motion. That I understand is the sequence of events.

Mr. Campbell.—Yes, and said "give me that," and put it into his pocket and said "I must take time to consider it." The next sub-head is an important one, the right the President has claimed of dissolving the meeting of Council on his own motion before the business is ended. The first occasion on which he did this was May the 9th, 1893, and the second was the one I mentioned on the 29th of November, 1893. That may in a sense seem a small thing, but it is a vital matter for the Council, because they hold that the only privilege the President has as a member of the Council, is that he has a casting vote. He has his own vote and a casting vote. But he claims an extra prerogative which has been unknown, and that is when anything he does not like is brought forward, he claims the right to dissolve the Council, and the Council think that is not a right he is entitled to, and one they should not concede.

Mr. Justice HOLMES.—As regards the 9th of November what occurred was this, that a certain resolution was brought forward, and

when it was proposed he would not allow it to be put, and said he would dismiss the Council altogether, which I suppose meant he would leave the room. What occurred now, was it of the same kind?

Mr. Campbell.—I will tell you very briefly. The Home Rule Bill was in agitation at the time, and the Corporate Body were anxious to protect their interests, and there was a meeting of Council, and they arranged to call a meeting of the Corporate Body to consider this matter, and a meeting of the Corporate Body was held and they referred the matter to a committee of the Council to consider a memorial. Professor Ridgeway proposed at the meeting of Council, that a watch committee should be appointed consisting of the President and some members of the Council, to watch over the interests of the professors and the college in general during the progress of this bill, and he said he would not receive any such resolution, and if it was brought forward he would dissolve the Council meeting, and there and then he dissolved the Council.

Mr. Justice HOLMES.—Then I understand it originated in the same thing in a resolution which rightly or wrongly the President thought should not be submitted by him to the Council, and when such a resolution as that came before the Council, he being present only as a member claimed some right outside his right as a member of Council, and said "I will not only not allow it to be put forward, but I will exercise my right of dissolving the meeting."

Mr. Campbell.—The last heard of this complaint is that he signed the minutes, that he insisted on signing them in spite of the remonstrance of the Council that they were not an exact representation of what occurred. On the 4th of November, the President signed the minutes of the 27th October, 1893, and when the meeting of the 14th of December met he said to Professor Stokes—"Do you still insist on having a motion about amending the minutes"; and Professor Stokes said he did, that he thought it should be there, and he asked him had he spoken to Professor Hartog on the subject, and Professor Stokes said that he declined to be cross-questioned, and the President peremptorily refused to receive the resolution.

The third subject-matter of complaint is perhaps the one of most vital importance in the whole business, and it is the right the President has claimed to refuse to sign any resolution of the Council which does not commend itself to his own judgment, or as he calls it the right to veto it. I am now going to deal with that. The best illustration to take is the motion of the 27th of November, 1893, fixing regular dates for the holding of the ordinary meetings of the College Council.

That that was a desirable resolution apart from this question of veto, and was practically within the powers of the Council you will find by looking to page 11 of the College statutes—"The Council shall have power to regulate the course of proceedings at meetings of Council, and to make arrangements as to the times of its ordinary meetings." At one of the Council meetings, Professor Hartog was asked to make a search in the records and find out what the practice had been, and he went back for twenty-five years, and he found out that the system had been to have fixed and regular dates for the ordinary meetings, and on the 27th November, 1884, there is a resolution recorded by the Council fixing a date for the meetings which has never been rescinded and is at the present moment in force. But the President has refused to allow that resolution to be passed by the Council at all, and says he will veto it. Before we come to consider the case he makes with regard to it, may I shortly call your attention to what under statutes the powers of the

Council are. At page ten of the statutes you will find "the general government and administration of the College shall be vested in a Council consisting of the President and six Professors, &c." Then in page eleven there is "the President shall in all cases have a vote, and in case of an equality of votes shall have a second or casting vote. In the absence of the President from any meeting of Council, the deputy of the President or other professor acting as chairman shall in all cases have a vote, but shall not have a second or casting vote." Then there is another paragraph as to the Council arranging the course of proceedings, and then there is this very important provision: "The Council shall have power to make regulations for the government of the College in cases not provided for by the statutes." That is the principal, there are other paragraphs which do not touch this point, but the two last on that page are "the Council shall exercise a general supervision and control over the income and expenditure of the College," and "no resolution of the Council shall come into operation until it shall have received the signature of the President or in his absence of his deputy, acting by his authority." Now I want to refer to the letter of Lord Hartington when Chief Secretary by which the Treasury with his sanction approved of the way in which the Council were to exercise their right of controlling the expenditure of the College. It is contained in the Treasury records of the 6th December, 1883, and these propositions are in it. "His Excellency approves of the recommendation that the College Council shall control the whole expenditure, that it shall order expenditure on such proof as it may think necessary, and shall lay down regulations to insure the observance of due precaution in the preparation of orders and cheques at all times, and for the proper conduct of business in vacation," and then follows this important proviso, "and with a view to making more distinct the personal responsibility of the President, professors and officers whose duty it is to discharge the financial business of the College, His Excellency thinks that the following rules might be laid down with advantage. They do not differ much from those of your letter, but are more closely dovetailed in with the requirements of the College statutes.

First.—that an order of the College Council shall be forthcoming for every payment, which order shall bear the signature of the Registrar in addition to that of the President or other chairman bound by statute to sign it at the meeting of Council.

Second.—That the Bursar, the College auditors, and each member of the College Council shall be personally responsible for the property of every order of Council sanctioning payments as far as it may be founded on the estimate presented to the Council by the Bursar in compliance with the College statutes.

Third.—That each member of the Council shall be personally responsible for any part of such order which shall be founded on the Bursar's estimates."

Mr. Justice HOLMES.—After all these are only Treasury instructions.

Mr. Campbell.—Yes; but they put them in force.

Mr. Justice HOLMES.—Yes, because they have no complete control over any vote of supply, but what you must go on is the provision "the Council shall exercise a general supervision and control over the income and expenditure of the College."

Mr. Campbell.—I only referred to Lord Hartington's letter to show you the way it is construed and acted upon by the College authorities. It is construed by the Treasury as involving these personal obligations.

Mr. Justice HOLMES.—We are now to construe it, and we may agree or disagree with the Treasury.

Mr. Campbell.—In addition to the general government of the College, "the Council shall have power to make regulations for the Government of the College in cases not provided for in the statutes," so that in the absence of any special provision delegating the power to any particular persons, the Council have supreme control in making all regulations for the government of the College. Every order for payments, and all the control and supervision of expenditure for the College being vested in the Council, what result will there be if the President's view is right and the veto is correct? Every shilling expended in scholarships, every shilling expended in repairs and alterations, all these matters form subject matter that come under this head. The President may, if he is right, veto every one of these, and at once paralyse the administration of the College, and matters would come to a deadlock and a standstill. The way in which the President says he has got the veto is by virtue, as I understand his case, of the last clause on page eleven "no resolution of the Council shall come into operation until it shall have received the signature of the President, or in his absence, of his deputy, acting by his authority." Now I suggest that on the legal construction of that, it is as clear as daylight that it means that the public and all outside bodies may know that this is a formal resolution passed in accordance with the statute by the Council, which may be said to have the imprimatur or signature of the President.

Mr. Justice HOLMES.—The President is, I take it, entitled to refuse to sign any resolution of the Council that was *ultra vires*.

Mr. Campbell.—Clearly, and we never suggested anything to the contrary, and if we were dissatisfied with that we would appeal to the Visitors. But he claims the right to veto any resolution. Take for instance, that one about fixing the meetings of Council, which by statute is clearly expressed to be in the power of the Council.

Mr. Justice HOLMES.—I do not think you need labour that point any more; we will hear Mr. Roche and you will have an opportunity of replying.

Mr. Campbell.—I now call your attention to page twelve of the statutes dealing with the powers and duties of the President. One paragraph says "he shall sign or authorize the signature of all certificates of prizes and other official documents, and shall authenticate the affixing of the College seal to such documents as may require it." The President reads that as if it were the word "may" and he had a discretionary power. I say it is a mandatory power, and any resolution that is not *ultra vires* he is bound under that to carry out. The President also refers to the fact—and perhaps I had better mention it here—that the Commission appointed in 1858 considered this matter of whether the President was entitled to the right to refuse his sanction to any resolution, and he relied upon certain passages in their report as justifying the course he has adopted: but what I would like to say in the first instance was this, that that Commission was not sitting to define the rights and the duties of the members of the Corporation at all. It was simply reporting upon what the practice had been and making suggestions for the remedying of abuses. The Commission says we have inquired into the practice as regards this veto, and we find that Dr. Moffett thinks that under the statutes he has this power, but thinks that it is an injurious power, and should be taken from him. The President of Belfast College thinks he has the power, but that it is an unfair power, and should not be left to him. Sir Robert Kane does not think he has the power, and has never claimed to exercise it. The Commissioners then go on to say that if the veto does exist, and is

to be retained, there should be a provision to the effect that if the President abstained for fourteen days from signing a resolution, there should be an immediate right of appeal to a higher tribunal. I mention this because it is mentioned in the long statement of the President. But of course the Commission had no power to decide the legal effect of these statutes. They were reporting what the practice had been, and found that while two Presidents thought they had, Sir Robert Kane did not think he had the right. The fourth complaint is an important one. It is this. Hitherto the Registrar, on behalf of the Council and President, has conducted all the correspondence with the Government relating to matters concerning the welfare, organization, and discipline of the College. The Registrar has done that under the sanction of the Council, the President presiding as their head. The matter was fully discussed, the answer to the Government discussed in Council, and the form of the answer agreed upon then. President Slattery has insisted that all the correspondence should be conducted by him, and that the Council have no right to see it; and in a half dozen specific cases he has himself carried on with Government departments correspondence vital to the College, and he has never disclosed that he had the correspondence until the matter was concluded. The specific instances given are the 29th April, 1892. There had been a previous resolution of Council with reference to the "65" rule.

Mr. Justice HOLMES.—We have not that here.

Mr. Campbell.—You will find you have. You will see it at the bottom of paragraph four.

Mr. Justice HOLMES.—That is quite true.

Mr. Campbell.—They are all gone into. I will tell you briefly what they refer to. On the 28th of April, 1892, a resolution having been passed by the Council with regard to the "65" rule, Professor Stokes moved that the resolution should be rescinded, and that the Registrar should inform the Lord Lieutenant that it had been so rescinded. The President intervened, and said no member could carry on correspondence with the Lord Lieutenant but himself, and he would refuse to allow the Registrar to communicate this decision to the Lord Lieutenant, and claimed the exclusive right of carrying on this correspondence. In March, 1892, an important matter happened. There is a fund of the unappropriated balances of the year from year to year. Scholarships may not be filled up, there were other funds available, the purpose for which they were intended not being required, and they formed the unappropriated balances, and the way they have been used by the Treasury and the Government of the day is to form a fund for augmenting the salaries of the professors. (Laughter.)

Several members of Council said that was not so.

Mr. Campbell continuing, said.—I was doing my clients an injustice as these monies were used in buying instruments, and in fitting them up in the College. My clients naturally felt aggrieved that I should make that mistake; I am sure they would prefer it the other way. In March, 1892, the approvals which every year are sent by the Treasury for the application of these unappropriated balances were detained by the Treasury in consequence of some difficulty about one of the professors who the Treasury were claiming should retire. The council were not informed by the President that these approvals did not come, and in ignorance of that they proceeded to vote the regular payments on the estimates, and the difficulty was only got rid of by the Treasury and Government giving way as to the application of the "65" rule to

the professors, and they then sent down these approvals, but if they had not done that, the Council who had passed these payments would, every member of them, have been made personally liable for the amount for which approvals had not come.

Mr. Justice HOLMES.—Was the President present when the vote was taken on this payment?

Mr. Campbell.—He was, and he gave no information about the fact that these approvals did not come. The third matter was this. There was a portion of ground required from a Mr. Perrott, for the purpose of erecting additional college buildings upon it, and all the correspondence in connection with that was carried on by the President without communicating anything on the subject to the Council until the whole communications were completed, namely, on the 24th of February, 1893, and he did that although he had in his possession during that time the letter of the 9th of July, 1892, from the Lord Lieutenant, directing him to bring the matter before the Council. That letter was written on the 9th of July, 1892, the Council heard nothing of it until the whole matter was completed on the 24th February, 1893.

Mr. Justice HOLMES.—Let me see the letter.

Mr. Campbell.—The President claims the correspondence. We have not got it. Of course they will produce it on the other side. Then there are some funds which form part of the endowment of the College, the Blayney funds. It is one of the instances in which he claims a right under paragraph four. These Blayney funds form part of the endowment and for some reason there has been a dead lock since March, 1892; the dividends have not been paid, the funds have not received the dividends, and the President has never informed them what the dead lock is. What it is the Council do not know, and the endowments are that much short since March, 1892. Another minor matter is, he negotiates everything in reference to the repairs on his own responsibility. He does not confer with the Council and bring the matter before them, and one of the very powers conferred upon them by the statutes, page eleven, is the Council shall exercise a general supervision over the income and expenditure of the College.

Mr. Roche.—Is this mentioned in the particulars.

Mr. Campbell.—It is part and parcel of charge number four; we say you have exercised this control and done these things.

Mr. Justice HOLMES.—As regards the matters connected with the correspondence I would not be disposed to confine you to the cases mentioned. It is one of these things which can not be decided in the abstract but by concrete instances, but as to alterations in the building specific instances are not mentioned.

Mr. Campbell.—No, but we say these are matters which under the statutes the Council have a right to act upon and deliberate on under paragraph four, of page eleven.

Mr. Justice HOLMES.—Does this complaint refer to communications which he would receive from different departments of the Government.

Mr. Campbell.—Yes, the Board of Works for one, and he carries on correspondence with them receiving their suggestions, and he withholds all this from the Council.

Mr. Roche.—I should like to say that the answer the President received from Professor Ridgeway, was that the professors met the previous night, considered his letter, and desired him to inform the President that the correspondence in the first query is that referring to the purchase of land, and the memorial in the second query had reference to the "65" rule.

Mr. Campbell.—You asked us what were the specific instances. We do not know what correspondence he has received; he has never shown it to us. All we know is that he has been carrying on these alterations and improvements, but we cannot give specific instances because he has withheld specific information. We complain of the fact that he has kept all the correspondence to himself. The last one is a specific case which was mentioned in that letter Mr. Roche has read. A memorial was prepared and submitted by the Council on the 10th of March, 1891. That was referred to the Corporate Body on the 18th of March, 1891, and the Corporate Body made some alterations in it, but approved of it with the alterations and passed a resolution authorizing the President to sign it. A committee was appointed to send it up, and the President produced a fresh draft of his own, and they said "no, you can't send up that; it is not the authorized one," and he left them under the impression that he would send up the other draft. However, in point of fact, he sent up his own new one, and never sent up theirs. The next matter is an important matter, and it is that he has claimed a right to the custody of the correspondence of the College.

Mr. Justice HOLMES.—Do I understand that the correspondence which he found in the registry of the College upon his arrival here, that he has taken possession of it?

Mr. Campbell.—He has, and carried it off to his own house, and let me illustrate the position and the difficulties which have arisen from it. The habit of the late Dr. Sullivan was this, he used to get the correspondence on a particular subject until it reached the end; of course he communicated it to the Council, but when the matter was closed he handed it to Professor Jack, the Registrar, who has a fire-proof room for the safety of College documents. But Dr. Sullivan had been ill for several years before he died, and he did not look into the correspondence as regularly as was his wont, and at his death there was a considerable amount of correspondence in his possession undigested and uncollected, and then this untoward event happened. His representatives went through his papers and having regard to what was material to his estate, they unintentionally destroyed a lot of records connected with the University. They did hand over a large number but there were big gaps. These were handed over, and the Registrar got the others regularly from President Sullivan in his life, but President Slattery carried them off on July the 1st, and kept them since. One grave objection to this action is that he cannot obviate one danger, the danger of fire; there is no provision in the President's house for the prevention of fire, and all these valuable records are collected and retained by him, and he said he intends to seal them up in case of his resignation or death. Another objection is, questions constantly arise involving the status of professors. In the old days they could look up the records. Now they cannot do that, the President has them, they have no access to them, and they say they are the property of the College and should be in the custody of the Registrar. The next complaint is that the President claims the right—the exclusive right to dispose of the College rooms and buildings as he thinks fit. He gave premises, without consulting the Council, to Mrs. Jolley. He has allowed her to take up her abode there, and she was living there until recently by his exclusive permission, and without consulting the Council or bringing the matter before them. Then again, in January, 1893, he granted the Examination Hall for a public meeting of one of the College Societies. That may be a very desirable thing in the case of the Society but, however, it is what the Council are contending for. If

he has the power to give it to one he has the power to give it to another, but all the precedents are against him, as the matter has been hunted up, and we will give you specific cases. Once it was attempted to be exercised by Dr. Sullivan, but he admitted that he was wrong in giving the hall without consulting the Council, and the invitations were all cancelled, and the right of the Council to give it expressly for College purposes was never questioned until President Slattery intervened. The next subject of complaint is also an important one. In the statutes, at page thirteen, you will find the following "he shall on occasions of his absence or illness appoint a deputy from among the professors, who shall exercise his powers and discharge his duties for the time being." He has systematically ignored that rule. He has been away from his post.

Mr. Justice HOLMES.—Has he been asked to appoint a deputy?

Mr. Campbell.—I would not like to be the professor that would ask him. This much I can say, complaints have been made of his going away without appointing a deputy, and I will show you what its inconveniences are. No professor can get a day's leave without his permission or that of his deputy. He goes away to Dublin and appoints no deputy. An unfortunate professor gets ill or wants to go away—one has to go to Cambridge—an urgent matter of public or private business arises, a letter is sent to the College, it has to follow the President to Dublin, and on one or two occasions it never found him until the days of vacation were over and the business was late. Only on one occasion has he appointed a deputy. He has been away, sometimes for two and three weeks, and has never appointed a deputy. The next complaint, number eight, is that he claims the right to raise the wages of the minor servants and officials connected with the place (applause). When I say raise, he also claims a corresponding right to lower them. I can find no power enabling him to do that. The matter should come before the Council, who are responsible for the expenditure, who, under the statutes, have control and supervision of the expenditure, and the practice heretofore, always has been, to do it with the approval of the Council, and you will find at page twelve in the powers given to him—"He shall have the power of appointing the minor officers and servants of the College, and shall regulate their duties and control their conduct," there is not a word about fixing their remuneration. The last matter is a simple matter but it is a matter on which we ask a decision, to prevent the possibility of the thing occurring again. Recently there was an election for a member of Council and the practice has always been by ballot, as one would naturally expect, and the practice has been that the voting papers would be burned in presence of the members of Council. On this occasion the President took possession of them, put them in his pocket and took them away.

Mr. Justice HOLMES.—I do not think that is a question we should be asked to decide. I presume the papers have to be scrutinized by the President.

Mr. Campbell.—The scrutiny was over, and their legitimate object was done.

Mr. Justice HOLMES.—There is nothing in the statutes directing them to be burnt. Of course there is a great deal in the affairs and management of the College which must depend on the mutual harmony and courtesy of the persons engaged.

Mr. Campbell.—Reviewing what I have said, the matters which are of vital importance, as the Council think, are the maintenance of their former rights, to have all these matters before them, and the fullest

information given them, the right to regulate the proceedings at their meetings, the right to fix a time for ordinary meetings of Council, the right to move, subject to the majority, and pass any resolution that the Council may think fit, and the right when that resolution has become law, to be signed by the President.

Mr. Justice HOLMES.—You won't press it to that extent!

Mr. Campbell.—I was going to except any resolution passed *ultra vires*, or not in relation to the College business. In other cases the President, except that he has a casting vote, is a ministerial officer, and shall sign the minutes. The other matter is of importance, and affects the welfare of the College, and the different departments and institutions in it, the safe custody of the correspondence, the control of the letters of the College, and there is the all-important provision requiring the President to appoint a deputy, and to preserve that controlling power of expenditure, which the Council cannot retain if the President is at liberty to interfere at his own will with the minor servants of the College.

There was one matter to which I omitted to call your attention, an appeal lodged on behalf of Professor Jack. He has been Registrar of the College since 1876. He has lodged a complaint on two grounds. Principally of all he complains that owing to the fact that the President does not appoint a deputy, the President's practice has been to ask him so long and whenever the President is absent to keep him informed of all College matters, and the Registrar complains that that imposes on him a duty not put upon him by statute, which would not arise if the President appointed a deputy to do his duty. Secondly, he complains that when a question arises between the President and the Council, the President has the habit of demanding reports on all these matters which entails necessity of the Registrar hunting up the records, and writing out a report for the President, which is labour not cast upon him by statute, and he requires the decision of the Visitors. He says it largely increases his work, and he asks to be relieved from it.

Mr. Justice HOLMES.—I do not know how counsel proposes to proceed, but it was occurring to me that it would tend to shorten the case somewhat, and make more clear the issues if I were to go through the various subject matters, and see to what extent there is a concurrence upon questions of fact, and also to what extent there is a difference. As I understand the point which arises in number one, first of all is the appointment by the President himself of this Mr. James Porter. Mr. Roche, is that admitted?

Mr. Roche.—On the recommendation and suggestion of Professor England, who made a certain representation.

Mr. Campbell.—I am willing to accept that statement of the appointment being made, but without any approval, formal or informal, of the Council.

Mr. Roche.—Yes.

Mr. Justice HOLMES.—The next matter, as I understand it, is this: It is said that there was a resolution passed by the Council, or rather, I should say, proposed to the Council, that this gentleman should give reports.

Mr. Campbell.—Yes, my lord, that he or his principal, Professor England, should send reports; it was put in the alternative that either should report as to the work done.

Mr. Roche.—We deny any such resolution.

Mr. Justice HOLMES.—What about this question of veto and the question of the Council being a consultative body?

Mr. Roche.—We have never asserted that it was a consultative body. We claim and submit that on the construction of the last clause the President has a veto.

Mr. Justice HOLMES.—That, of course, makes that clear. The only other point that arises on this is in reference to the precise nature of the endowment out of which Mr. Porter gets paid. That is a matter on which we had better hear Mr. Roche; and subject to any questions that may arise, I don't see any matter of fact arising on number one.

Mr. Campbell.—Or on the part you mentioned, because it is mentioned in the report of 1890–1891. I'll read it for you if you like. Here is what he says:—"Session 1890–1891. The additions to our equatorial telescope required to enable the College to take part in the work of photographing the heavens, have been completed, and the instrument placed in position. The task was entrusted to Sir Howard Grubb, and executed with his usual skill and success. The expenses have been defrayed by the administrators of the late W. H. Crawford, of Lakelands, to whose munificence the existence of the observatory itself and of its instrument is due. Professor England has hitherto, at much sacrifice of time and attention, taken charge of its working, but the increased labour now required will make the appointment of an assistant necessary. As a contribution towards a fund for his payment Mr. Crawford's administrators have consented to give £400."

Mr. Justice HOLMES.—What are the nature and the class of duties of this man Mr. Porter. I would like also to know whether the Professors report to the Council, and if there are any other assistants, and whether they make reports. As regards number two sub-head is it admitted that on the 18th October the President declined to put this resolution, which is a resolution that the Council meetings should be at a fixed time.

Mr. Roche.—What was done the President says is exactly on the minutes.

Mr. Justice HOLMES.—The second sub-head is, "Ruled on the 18th October that certain words dictated by him must be introduced into an order about to be made by the Council, and stated that he would not receive a pertinent amendment which a member of the Council desired to move." That, I understand, arose upon the introductory words of the order?

Mr. Roche.—The introductory words of the order and the correspondence which arose.

Mr. Justice HOLMES.—I don't think there can be any difference of opinion upon that.

Mr. Campbell.—No, the evidence would be relevant as to what was in the President's mind. It is the right claimed to refuse the amendment that we challenge. There is no question of fact involved.

Mr. Justice HOLMES.—Sub-head four is, "At the meeting of Council of the 14th of December—ruled to be out of order a motion made by a member of Council at the meeting of the 27th of November, to the effect that the minutes of the 9th of November should be amended in a certain way, and ruled that that motion should not be inserted in the minutes of the 27th of November."

Mr. Campbell.—That does not appear on the minutes at all.

Mr. Roche.—It does.

Mr. Campbell.—I am instructed it does not.

Mr. Roche.—That is a specific statement with regard to the statement which has appeared upon the minutes.

Mr. Justice HOLMES.—There may be a difference in the facts. I now

come to complaint number five:—"On two occasions, the 9th of May 1893, and the 25th of November, 1893, declared that he dissolved the meeting of Council while there was still important business before it, and he continues to claim the right to do so." Well, does he claim the right to do so?

Mr. Roche.—Oh no, he claims no such right.

Mr. Campbell.—Does he admit the facts?

Mr. Roche.—The facts are incorrect.

Mr. Justice HOLMES.—We come to number six:—"At a meeting of the Council of the 14th December, 1893, he claimed the right to sign on his own responsibility the minutes of the meeting of the 27th November, 1893, which the Council had refused to pass in their incomplete state."

Mr. Roche.—As to the words "claimed a right," he claims no such right that would be an absolute claim; but on that particular occasion circumstances occurred which the President admits are exceptional.

Mr. Justice HOLMES.—I understand this is referable to that particular case. The next point is the veto in another form. As to the withholding of communications I think it better not to ask you whether you admit or deny that. The matter alleged in paragraph five that the President kept the College correspondence in his own possession seems to be admitted.

Mr. Roche.—It is disputed in the form in which it is alleged.

Mr. Campbell.—Then what form is it admitted in?

Mr. Roche.—We claim the right to explain that and produce the documents.

Mr. Justice HOLMES.—We come to the next paragraph that "The President has of his own authority granted the use of rooms in the College without the knowledge or sanction of the Council; as, for instance, in permitting the attendant in the refreshment room to sleep and live in that room for some weeks in the beginning of the Session, 1891-1892."

Mr. Roche.—That is capable of an explanation of a simple character, which I will state now. There is this old woman, Mrs. Jolley, who for years had been presiding at the refreshment room of the College, and one season, when the President was ill, Mrs. Jolley called on him and said she wished to see him. He was confined to his room and could not see her, but asked what was the nature of her application, and he was told that she required permission to put a chair into the refreshment hall. She made a poor mouth, he gave her permission, and a few days afterwards he found that she had put in a "chair bed" there. (Laughter.)

Mr. Justice HOLMES.—The real point is, does he claim the right of granting rooms in the College himself.

Mr. Campbell.—That is the point.

Mr. Roche.—The President does not claim any absolute right in the use of the rooms.

Mr. Justice HOLMES.—As far as that particular case is concerned we are not disposed to go into it. I understand it to be an instance of such a claim.

Mr. Roche.—The President, it will be found on investigation, never brought forward such a claim.

Mr. Campbell.—Does my friend admit the occasion of the January of 1893?

Mr. Justice HOLMES.—When he authorised the meeting of the College Philosophical Society to be held in the Examination Hall.

The *President*.—I was told that my predecessors did it, and I did not attach any weight to it. The boys came into me, and they gave me to understand that they usually got permission, but if there was a case in which there was continuous occupation of the room, as in the case of a lecturer, I would take the advice of the Council about it.

Mr. Justice HOLMES.—But the real point about it is this—Does the President claim the right without the advice or consent of the Council to give the Examination Hall.

The *President*.—I have no definite opinion about it, because there is no statute expressly bearing on it. I asked the President of Belfast what he did.

Mr. Justice HOLMES.—We will decide it at once if there is any question about it. I do not see why the President should claim any such right on a small matter.

Mr. Justice HOLMES then read paragraph seven, which was as follows:—
“The President has habitually omitted to appoint a deputy from among the professors on occasions of his illness or absence, as prescribed by the statutes, thereby making it impossible for meetings of Council to be legally summoned and for professors to obtain lawful leave of absence even in cases of emergency such as have arisen.”

Mr. Roche.—It is admitted that he did not appoint a deputy under the circumstances which called for his absence, holding that there was no necessity for it. You will have to rule on that.

Mr. Justice HOLMES.—How does that paragraph, directing the bursar to increase the wages of one of the servants, stand?

Mr. Roche.—There was a man whose wages were increased one shilling a week, and it was put into the pay-sheet, and brought before the Council.

Mr. Campbell.—Is it claimed, or is it not? If the power is only claimed on that particular case, and given up, I'll drop it.

Mr. Roche.—I understand that the President claimed no such general right as is stated. That is the one case, and take it.

Mr. Campbell.—There are three cases altogether.

The *President*.—If you wish to know, sir, the right was formally given up.

Mr. Justice HOLMES.—If that is finished, there will not be probably very much in fact to come before us.

Mr. Roche.—There are certain matters which the President thinks should be elucidated more fully out of the minutes of the Council from time to time, and he proposes and suggests to your lordship that the most satisfactory way of having the facts put in a true light is to read the minutes on each occasion. They are not so many. I have no objection to that.

Mr. Justice HOLMES.—We all agree that is the most satisfactory way.

Mr. Campbell.—Provided that the Registrar will be allowed to put in the statements inserted by the President himself.

Mr. Justice HOLMES.—That only occurs in one or two cases.

Mr. Roche.—The only other point of any substance in it is this power of veto which my learned friend pretends does not exist, and which he says is a pure question of law. There is one on the construction of the statutes. Every point will be best elicited out of the minutes, so kindly hand me the minutes.

Mr. Roche.—Take the second paragraph—"Refused to put to the vote of the Council a resolution duly proposed and seconded on the 18th of October; and again, on the 9th of November, 1893, placed on the minutes a statement that 'the President not having yet had time to examine fully into the subject of this motion, the matter must remain over for the present.'"

Mr. Campbell.—I am told that the minutes do not record anything of any resolution proposed and seconded, and which the President refused to put.

Mr. Justice HOLMES.—We will see that when we come to the particular date.

The President.—Mr. Registrar, I want the minutes of the 7th January, 1892. (To the court.)—This is the minute of January 7th, 1892, referring to the first paragraph, and the only item in it that refers to the matter is this—"That the best thanks of the Council be given to the administrators of the late Mr. W. H. Crawford, of Lakeland, for their gift of £400 to be expended in carrying on stellar photography." Am I at liberty to say anything or simply read the minutes.

Mr. Justice HOLMES.—I was under the impression that Mr. Roche would make his statement in the first instance, but if he thinks it better to examine the President, as far as I am concerned it is the same thing.

Mr. Roche.—The President was cognisant of these matters, and I think his examination on the minutes would supply everything.

Mr. Justice HOLMES.—In fact your statement.

Mr. Roche.—Yes; I reserve my own for hereafter.

Mr. Justice HOLMES.—I think the President should be at liberty to make any comment, so long as he distinguishes between comment and minutes.

The President.—I have to say that on the 7th of January I first said what had been done in the case of this bequest of Mr. Crawford, or rather the gift of his executors, and then having stated everything to the satisfaction of the Council—there is no record of this—I proposed that the thanks of the Council should be given to the executors of the late Mr. Crawford, which was agreed to. I came a little late into the field about that, but I had been ill up to six weeks before, and though I never appointed a deputy but once, I appointed Professor England to take my place on several occasions. I had not got the money until six weeks before this from the solicitor to the estate of the late Mr. Crawford, and I have all the correspondence showing the terms on which I got the money, how it came into my hands, and how I disposed of it.

Mr. Justice HOLMES.—You admit so far as that money is concerned that it was part of the College funds to be disposed of on the cheque of the Bursar, and by direction of the Council.

The President.—By direction of the Council, and by both cheques. First the Bursar signed them, and I countersigned them. This was during vacation (applause).

Mr. Justice HOLMES.—I cannot understand this constant interruption. If the gentlemen were in the habit of engaging in judicial work they would find it impossible to go on with such interruptions. It is necessary to concentrate the attention, and I must ask you, having regard to the business we are engaged in, to keep quiet.

The President.—This was done during the vacation of four and a half months. During the whole time of that summer I remained at my own residence. The subject was introduced to me by Professor England who told me that he was aware that we could get this money by applying

for it. He was directed by me to obtain the services of some suitable person, and he said Mr. Porter was a proper person to appoint, and that this was the proper season to go on. I turned round with due deference to Professor England, and said "Who is to appoint him?" and he said "You." I said "Are you sure of that," and he said "Look at the statute which gives the appointment of minor offices to the President. To call him an assistant is not correct, an assistant is a man who assists in teaching." "Very well," I answered "we will appoint him on your recommendation." We were a little premature, because Mr. Bass was not ready with the money. I told the Bursar, and he said "Let you give the money for the present," and strictly it was out of my own pocket the money came, and that went on until I was able to state matters to the Council. The only fault I committed was that I was not sufficiently on the alert. The only thing is that I did not attach much weight to the matter any way.

Mr. Justice HOLMES.—Do you think, Mr. President, you were justified in making the appointment of Mr. Porter on the grounds that he was a minor officer?

The President.—On the ground that there were statutory powers. I would not think you would tie me down to that.

Mr. Justice HOLMES.—We must have some justification.

Mr. Roche.—We rely on statute 4.—"The President shall have the power of appointing the minor officers, etc."

Mr. Campbell.—That is a power to appoint, not to create.

Mr. Justice HOLMES.—If it were not the case of a minor officer, I presume the Council should be consulted?

The President.—I'd be at a loss to say, because the statutes do not give the Council the power to appoint anyone.

Mr. Campbell.—Produce the report of Alcock's visitation, which decides the point. It is also referred to in the Commission of 1858.

Mr. Roche.—That was with respect to Alcock's case. At that time the statute in force in reference to this particular matter was as follows:—"That the President shall have power to appoint the porters and servants of the College, and shall regulate their duties and control their conduct." Your lordship will see that the word "minor officers" is introduced since the date of that report.

Mr. Campbell.—It is only a power to appoint, and not to create. Even if it is a minor office, we do not deny that he can fill up minor offices. But we deny that he has the power to create a new one.

Mr. Justice HOLMES.—I would like to know what are the duties of this gentleman. Is he a mere photographer?

The President.—He is a stellar photographer. He stays up at night and takes photographs of the heavenly bodies.

Mr. Justice HOLMES.—Was there any motion made by the Council directing him to report upon the work done in the observatory?

The President.—All I can say is that I do not remember it.

Mr. Campbell.—Professor Stokes will prove it.

Mr. Justice HOLMES.—Does it appear on the minutes?

Mr. Campbell.—No; he would not allow it on the minutes, and Professor Stokes is here to prove it.

The President.—Every resolution that was brought before the meeting, as I understand, does appear.

Mr. Campbell.—Yes, but you would not accept this one, and it fell to the ground.

Mr. Justice HOLMES.—As a matter of fact, assuming, Mr. President,

that there had been a resolution moved in the Council directing either the Professor or his assistant to report the work done, would you have received it?

The *President*.—I certainly would.

Mr. Justice HOLMES.—The point in reference to this question of the creation of an appointment now arises. The £400 was given expressly for the purpose of having this assistant appointed. The Council might have rejected the money; it showed no inclination to do so, or it must have been implied in the appointment of an assistant. Therefore, so far as I can see, no question of the creation of an appointment arises; so, it being assumed that there was an assistant to be appointed, the question is reduced to "who had the right of appointment?"

Mr. Campbell.—That is so.

Mr. Justice HOLMES.—That narrows the matter very materially. The President says he has no recollection of such a resolution, and he says if it was passed it would be within the right of the Council.

Mr. Campbell.—I do not want to go into specific instances if the right of the Council in this matter is admitted.

Mr. Roche.—It was never disputed.

Mr. Campbell.—Don't say that, because it can be proved.

Mr. Justice HOLMES.—The question of veto does not arise now, and the only question we have to consider is whether this person was a minor officer, or whether he stood in the position of an assistant or demonstrator to the Professor.

Mr. Roche.—In what month was the proposition made to you to appoint this man?

The *President*.—In the month of July.

Mr. Roche.—Was that the occasion on which Professor England referred to the appropriateness of the season?

The *President*.—Yes, certainly. Allow me to observe that if Mr. Porter is a demonstrator, of course Professor England appointed him, because he is the man who brought him here. I have his letter defining the duties of the assistant.

Mr. Justice HOLMES.—Is Professor England here?

The *President*.—Yes.

Mr. Justice HOLMES (to Professor England).—Would you have an objection, first of all, to tell us who Mr. Porter is?

Mr. Campbell.—He is a B.E. of the College.

Mr. Justice HOLMES.—What are his duties?

Professor England.—I think the directions that I wrote out, as far as I recollect, were that he should take general charge of the instruments in the observatory, and that he should particularly devote himself to making photographs of such bodies as I directed him to take.

Mr. Justice HOLMES.—Did he take the photographs under your direction?

Professor England.—Yes.

Mr. Justice HOLMES.—And take charge of the instruments?

Professor England.—Yes.

Mr. Justice HOLMES.—He was not, of course, engaged in any work of teaching?

Professor England.—No.

Mr. Justice HOLMES.—Does he embody the result of any photographic work he does in any document?

Professor England.—No; the photographs are kept in the place.

Mr. Justice HOLMES.—He writes nothing?

Professor England.—He takes notes of them ; he takes notes of the nights and the times of exposure to make them valuable.

Mr. Justice HOLMES.—If they are used for the purpose of scientific calculation that is done by you ?

Professor England.—The use I expect to make of them is to take copies and to send them to the different observatories for examination. I am sending this week to Buda-Pesth to the astronomer there. I submit them to Sir Howard Grubb, and I hope we will have sufficient to send to the chief observatories of the world.

Mr. Campbell.—Did you stipulate with Mr. Porter that, if you required, he should assist you in teaching ?

Professor England.—Oh, no ; I asked Mr. Porter would he undertake this work. I said we could only afford a small salary, but that I hoped I would be able to employ him as an assistant. I found, however, that there were insuperable difficulties in the way.

Mr. Campbell.—Was he not engaged on the basis that if you were able to make the necessary arrangements that you would require him as an assistant ?

Professor England.—Yes.

Mr. Campbell.—And this photographing requires a gentleman skilled in astronomy ?

Professor England.—Yes.

Mr. Campbell.—A mere ordinary workman could not do it ?

Professor England.—Not without considerable training.

Mr. Campbell.—He must be an astronomer ?

Professor England.—He must have some knowledge of astronomy, and must particularly devote himself to the celestial bodies.

Mr. Campbell.—And he is a B.E.

Professor England.—That has nothing to do with it. He was an assistant to Norman Lockyer, and had special qualifications for this position.

Mr. Justice HOLMES.—There are professors who have assistants ?

Professor England.—Yes.

Mr. Justice HOLMES.—The Professor of Chemistry. How is he paid ?

Professor England.—Out of the College funds.

Mr. Justice HOLMES.—How much does he get ?

Professor England.—I do not know his exact salary.

Mr. Justice HOLMES.—Does he assist in teaching ?

Professor England.—Yes, in the practical classes. He does not give lectures in theoretical chemistry. That was the point in which I thought Mr. Porter would be useful to me.

Mr. Campbell.—He only gets £54 a year.

Professor England.—I do not know.

Mr. Justice HOLMES.—We now understand that, and there is really nothing except that point I mentioned ?

Mr. Campbell.—And also the point that even if it is a minor office, it is only in the event of the College voting the actual funds that it is in the power of the President to appoint to the office. We first contend that it is an ordinary assistantship.

The President.—My idea is that the matter was brought before me with the representation that it was initiated by my predecessor, and that I was merely continuing what he had done.

Mr. Justice HOLMES.—I think the veto had better come in under Number 3.

The President.—There are two other statements on the Council Book with reference to that. The next reference I find is on the minutes of

the 2nd of March. In reference to the discussion which had taken place at the last meeting (reading from the minutes of the 2nd March) "The President desired to make a statement calling attention to what he had stated on the 7th of January. At the suggestion of the Registrar, the President consented to put his statement in writing, and to postpone it to next meeting." We now come to the next meeting of Council.

Mr. Roche.—There is a complaint that the President has "instructed," "ordered" the Registrar. You can notice the words—at the suggestion of the Registrar.

Mr. Campbell.—That is, to prepare the statement, not to put it on the minutes.

Mr. Justice HOLMES.—It tends to make our duty clearer and shorter if you go step by step.

The President.—At the suggestion of the Registrar I did that. He said I never take notes of these things until I have all the statement before me, and I said what can I do, and he said "put your statement in writing."

Mr. Campbell.—That was on the 2nd of March.

The President.—I believe the next reference at Council was on the 18th of March. I find the following statement that has been read already by Mr. Campbell, but perhaps you will not object to my reading it over again. (reading).—"At the meeting of Council on the 7th of January last I gave an outline of the principal facts relating to the advancement of a sum of £400 to the College by the administrators of the late Mr. W. H. Crawford, of Lakelands, stating that it arose out of an arrangement between Mr. Crawford and the late President, in which the former promised to supply funds to enable the observatory to be used for the work of photographing the heavens; that I was informed in July last by Professor England that the necessary adjustments in the equatorial telescope had just been completed; that the expenses incurred were just on the point of being defrayed by the administrators of the late Mr. Crawford, and that, on application to the solicitor to this estate, the further sum of £400 would in pursuance of the above stated arrangement be paid over, such sum to be used in paying the salary of an assistant in the observatory whose duty it would be to carry out the work of celestial photography; that I was urged by Professor England that as this was the proper season for undertaking the work I ought to lose no time in employing Mr. James Porter, B.E., a graduate of the College, who had acquired special skill in celestial photography under the direction of Professor Norman Lockyer; that having ascertained from the solicitor to the Crawford estate that the £400 would be duly forthcoming, I employed Mr. Porter to undertake the work referred to, placing him under the supervision of Professor England, who has charge of the Crawford Observatory, and arranging that his engagement should be a monthly one, and his payment at the rate of £75 a year; that for various causes it happened that the £400 was not paid over until December, and that in the interval on the application of the Bursar I had supplied him with funds to pay Mr. Porter's salary as it became due; that on receipt of the £400 I lodged it in the Bank of Ireland on an account marked the Crawford Observatory Fund, Queen's College, Cork, such Fund to be drawn against from time to time as required by cheques signed by the Bursar, and countersigned by the President, and finally having answered some questions relating to the subject, I suggested that a vote of thanks should be passed to the administrators of the late W. H. Crawford, of Lakelands, for the gift of £400 to be expended in carrying on celestial photography in the Craw-

ford Observatory, which was accordingly done. The matter being then as I understood closed, I was surprised at its being reopened for purposes not definitely stated at the Council meeting of the 25th of February, the statement, of which an outline has just been given, was completely ignored, and observations were made in a manner and of such a nature as I forbear for the present at least placing on record. To prevent a repetition of this conduct I have now re-stated in writing the substance of my verbal statement on the 7th of January last, and I instruct the Registrar to enter this re-statement in the Council Book." That is all so far as I am concerned.

Mr. Justice HOLMES.—I understand there is no objection to the entry of that in the place in which it appears. The objection you open is that no such statement had been made on the previous day.

Mr. Campbell.—And also we do object to the very concluding words. They raise a point we challenge. "I instructed the Registrar to enter this re-statement in the Council Book." I say he has no control of his own will and pleasure to put what he likes in the Council Book.

Mr. Justice HOLMES.—That is one of the matters we will go into.

Mr. Roche.—At the time this discussion was going on, the 7th of January and the 25th of March, was there any objection to you appointing Mr. Porter?

The President.—Well, I have not heard it.

Mr. Roche.—Was there any objection made by the members of Council to your putting that entry on the Council Book?

The President.—Not the slightest. On the contrary, will you let me state what one member did say. Professor Ridgeway said, whether seriously or not I can't say, that he would propose that in future all the President's statements should be in writing.

Mr. Campbell.—It is not convenient if my friend is going in the way to contradict the statements made in my opening statement.

Mr. Justice HOLMES.—It seems to me that this matter is not connected with any matter before us. Up to the present we were dealing with number one, and it seems to me this is not connected with it at all, but will come on at another stage of the inquiry—the entry of certain things on the minutes.

Mr. Roche.—I bow to your lordship's ruling. He can proceed now to number two. Turn to the Council meeting of 19th October, 1893. The first sub-head of the second series of charges as I understand has been ruled out.

Mr. Justice HOLMES.—Oh, not at all. Do you mean "and refused to put, etc."?

Mr. Roche.—Yes.

Mr. Justice HOLMES.—Oh, no. I am not aware that it has been ruled out in any way. That is one of the matters we wish to have decided.

The President.—The next minutes dealing with the paragraph under consideration are those of the 19th of October, 1893—(reading)—"Professor Hartog having moved a resolution in relation to the times of holding the ordinary Council meetings, it was seconded by Professor Corby. The President said that as the rule made an innovation on the practice which had hitherto prevailed in the College, he wished to take time to consider it, before putting the resolution to the Council."

Mr. Justice HOLMES.—Turn to the 9th of November now.

Mr. Campbell.—Before he passes from that would he object to state if he recollects when he made that point that he had not time to consider it. Don't you recollect, Mr. President, a motion being made to adjourn it to the next meeting?

The *President*.—I don't remember.

Mr. Justice HOLMES.—I would take it that it meant it was adjourned.

Mr. *Campbell*.—It simply means he blocked the consideration of it.

The *President*.—Allow me to explain. It was brought forward at the end of the business. Any business given to me by the Registrar on the agenda was at an end. It was new, an innovation and a startling one, and it was one I should take a good deal of time to look into.

Mr. Justice HOLMES.—Let us see what occurred on the 9th of November.

Mr. *Roche*.—There is another matter on the same day—

Mr. Justice HOLMES.—We will not mind that for the present. My mind is only capable of following one thing at the time.

The *President* then read the following reference from the minutes of the 9th of November—"Professor Hartog having introduced his motion, the President not having had time to examine fully into the subject of this motion, it must remain over for the present."

Mr. Justice HOLMES.—Did it ever come on?

The *President*.—Oh, yes.

Mr. Justice HOLMES.—When did it come on?

The *President*.—In reference to Professor Hartog's motion on the 27th of November. It had been adjourned from the last meeting and I read this statement—"After careful inquiry and consideration I have come to the conclusion that I cannot approve of the first part of the motion, and that if it be pressed to a vote I must withhold my signature. This power I shall exercise under statute (cap. 3, section 12) which enacts that no resolution of the Council shall come into operation until after it has received the signature of the President or, in his absence, of his deputy acting by his authority," an explanation of the meaning and force of the statute will be found on page 5 of the Queen's College Commission, 1858. As it may tend to make the subject more clear and to show that I do not exercise the power without good cause I append a summary of the principal reasons that have led me to the conclusion just stated. Briefly, they amount to this, that the arrangement proposed in this motion would be of doubtful legality—would lead to serious difficulties in practice, and would cause me personally much inconvenience. Every arrangement made under cap. 3, section 5, must be read and interpreted in connection with cap. 6, section 4. This clause lays down that the Registrar shall prepare and issue under the direction of the President summonses for the meetings of Council. Any resolution therefore that purports to make arrangements as to the times of the ordinary meetings of the Council must be held to have attached to it a proviso that nothing contained in it shall annul or infringe in any way on the express rule just now quoted. In no case of course could a resolution of Council legally annul or infringe on a statute. Such resolutions are only valid so far as they are consistent with the higher law of the statutes by which they must be always understood to be controlled. In the present case the meaning of the statute is quite clear. It expressly enacts that the summonses for Council meetings shall be issued under the direction of the President. The President must give a direction to the Registrar without which he cannot act, even if there were such a thing as a resolution of Council, made operative of course, by the President's signature, giving a general direction to the Registrar to issue whenever it seemed good to him summonses for a meeting of Council. A doubt might well be raised as to the validity of meetings held under a resolution to call a meeting—the statute requires an express direction,

and it would probably be better to prevent doubt that the direction should be in writing. To pass resolutions, therefore, making arrangements for meetings of Council without reference to this statute, might and almost certainly would lead to complications difficult to unravel. Some persons for instance might be led to suppose that the statute had been modified or even annulled by the resolution, that the President by signing it had practically waived or consented to waive the statute—a thing not in his power to do—and that the Registrar would therefore be authorized to issue summonses. This would be a grave error and if acted upon would give rise to serious difficulties. I have myself much doubt that the President has the power to delegate this function of giving directions for summoning meetings of Council, and I should certainly question his prudence in doing so in view of the grave responsibility cast upon him as to signing resolutions. So much as to the legal aspect of the case, a word or two may be added as to the general character of these arrangements. It is obvious that they must be reasonable arrangements, that they must have regard to the general interests of the College, and also to the convenience of every member of Council, the President not excepted. It must not be forgotten that he has other duties to the College to discharge besides those of presiding at Councils, and that one of his chief aims must be to divide his time and attention between these different duties—some requiring his occasional absence in Dublin—that no one of them may be neglected. Considered from this point of view a hard and fast arrangement such as that proposed in this motion must be held to be less suitable than the one I have followed since I have been able to give this subject the consideration it deserves; this is to get the Registrar to report to me about once a fortnight the amount of Council business that may have come into his hands, to add to it what was in my own hands, and then if the sum appeared to warrant calling a Council to direct the summonses to be issued. It is now my intention to get these returns at least once a week so as to preclude the possibility of any business being neglected or unduly deferred. As to financial business I think the present practice much the better one to have, that is one special meeting towards the end of every month allowing other business to be transacted when the financial has been finished. This will not prevent when any special occasions arise, financial business being brought forward by consent at an ordinary meeting as was done at the last meeting whereby the Bursar was enabled a fortnight earlier than usual to distribute a large amount of fees among professors. It is not in my opinion desirable nor I may add in the opinion of any reasonable man that more Councils should be held than are required for the transaction of any real practical business. Council meetings not of this character are merely a waste of time, of my time and of everybody's time. They tried to make the Council a place for debating, hypothetical impractical useless questions. Soon after the organization of the College, says the report of the Commissioners of 1858, questions arose as to the legal construction of some of the statutes, and principally as to those portions of them which defined the President's powers. What amount of injury was done to the progress of the College by this practice is evident to anyone who has studied its early history. I have myself more than once asked without getting a satisfactory reply why Queen's College, Cork, should require two or three times as many Council meetings as Queen's College, Belfast. In the latter six or seven meetings in the Session are sufficient, in the former sixteen or seventeen seem to be required. The selection also of any particular day in the week should be determined by considerations of general convenience.

The tendency hitherto has been to hold Council meetings on Wednesdays, Thursdays, or Fridays. My opinion is that Thursday would be found the most generally suitable day, leaving it open to hold a Council on any other day should any special reason for the change arise. The hour too of meeting should be determined by the same considerations. Four p.m. would be found the most generally suitable, and could likewise be varied in accordance with any special occasion that might arise. One more remark and I have done. It appears to me that to try to make the Council a place for debating about the legal construction of the statutes, and principally those portions of them which define the President's powers is a mistake. Discussions on these topics do not appear to be strictly any part of the Council's business. The Council has no power as far as I can discover to decide such questions, and where such power does not exist discussion must be more or less without practical results. The proper place for determining such questions or one of the proper places would be the Court of Visitors, before whom any decision of the President by which anyone is aggrieved can be brought for review, and the principal duty of the President in the matter appears to be, to make any decision which he may feel called upon to give as clear as he can make it. This, of course, can best be done by giving the decision in writing. It is mainly for this reason that I have on the present occasion, as on some previous ones, had recourse to this method. The President ought not, I think, be called upon to give any such decision, unless where a practical case calling for a decision has arisen."

Mr. Justice HOLMES.—What is the force of chapter 4.

The President.—That is not the Registrar's chapter. That should be under chapter 6.

Mr. Justice HOLMES.—Then, as I understand, there are double claims, that it is in your absolute discretion to withhold your signature, and that on this particular occasion, because it was *ultra vires*, apart altogether from any discretion, it would not be right for you to do so.

The President.—It resolves itself to this that when I first used that power I thought I should give my reasons. I thought I was bound to do so. The reason I gave was, that I thought it would be a matter of doubtful legality if the Registrar should call a Council without express direction, as the statute lays it down this way—"the Registrar shall prepare and issue summonses for Council meetings under the direction of the President."

Mr. Roche.—Have you finished?

The President.—Oh, no.

Mr. Justice HOLMES.—It is really an important point, and therefore I think we should hear it fully. Did Professor Hartog's motion specify any particular times at which Council meetings should be held.

The President.—I think his motion had better be read.

Mr. Campbell.—You will find it in the minutes of the 19th October.

The President.—The following was the text of Professor Hartog's motion:—

"Proposed by Professor Hartog and seconded by Professor Corby, that ordinary meetings of the Council be held in October in the first week of the session and in June on the last Thursday, and in other months on the second and fourth Wednesdays of the month, except that in December it be held on the first Friday of the first term, and if any of the days fall within the Christmas recess that the time of next meeting be arranged at the preceding one (7). That it be at four o'clock, and that financial business be transacted at every meeting]

Mr. Justice HOLMES.—You must go back now to the 18th of October.

The *President*.—At that meeting he had read for the Council a letter from the Under-Secretary continuing their appointments. That letter was dated the 10th of October, 1893. It was ordered that in accordance with the sanction of the Lords Justices that the Lecturers should be appointed for the coming session. He (the President) ruled that the words "in accordance with the sanction of the Lords Justices" should be included in the order, and he stated in reply to questions that he would not receive a resolution to omit these words which Professor Hartog wished to propose. He read the letter which said, in reference to his letter of the 7th of January, that their Excellencies had no objection to the Lecturers for the Session 1892-1893, subject to the condition that the attendance should be voluntary and not compulsory.

Mr. *Roche*.—You have heard it stated that the object of this resolution or amendment was to assert on the part of the professors a right to appoint these professors?

Mr. *Campbell*.—No, no, that the appointment should come first and the sanction afterwards, whereas in the form of the resolution it appears that the Privy Council should first sanction and the other then appoint.

The *President* said this was the important question whether the Council had the right to appoint the lecturers at all, and if the order were to be put down in the naked way in which Professor Hartog wanted it, he (the President) was afraid that it was a re-assertion of a power that they had not, and that he would be censured for having signed it.

Mr. Justice HOLMES.—Under what law are they appointed?

The *President*.—They are appointed under sanction. There is no College statute.

Mr. *Campbell*.—It comes under a clause of page 11, it being a case not provided for under the statutes, "the Council shall have power to make regulations for the government of the College in cases not provided for by the statutes."

Mr. Justice HOLMES.—Who nominates them?

The *President*.—They are nominated at the Council.

Mr. Justice HOLMES.—And the question arises whether the Privy Council has nothing to do with it. From what source does the payment of these lecturers come?

Mr. *Roche*.—From the fees they collect from students. Were you aware, Mr. President, before this, that the controversy between the Council and the Government existed?

The *President*.—I happened to look into it carefully, because I was the man who signed the resolution of Council upon it. Then the Government found out they were appointed, and I was asked on what authority, and I sent up the best answer I could to show they had the power to do it, and I have the letter here. I went to the Executive several times before I got consent that the Council could appoint subject to sanction. But the sanction should come first I take it.

Mr. *Campbell*.—That is the point of difference.

Mr. Justice HOLMES.—What is the result?

Mr. *President*.—I dictated this resolution, "that in accordance with the sanction of the Lords Justices, the lecturers be appointed, &c." I thought, rightly or wrongly, that they should recognize the source from which the authority came, and I thought I was bound by the corre-

spondence to have it in; and I may as well tell you that when I got the motion from Professor Hartog in the form he proposed it, I looked at it and said I had not got it put on rightly, and that in future I will have the letter put on.

Mr. Campbell.—In other words, you gave away the right the Council were fighting for.

Mr. Justice HOLMES.—This arises from the peculiar position of this College, the funds of which, I understand, come entirely from the estimates of each year.

Mr. Campbell.—Oh, no. These come from the fees of the students.

Mr. Justice HOLMES.—I understand that the funds are on the estimates each year.

Mr. Campbell.—They are in the Consolidated Funds.

The President.—£7,000 from the funds and £1,600 on the estimates.

Mr. Campbell.—The bulk comes from the Consolidated Funds.

Mr. Justice HOLMES.—The fact is, the Government has control over the College by stopping the supplies. That is the reason they can interfere here, though they cannot interfere in Trinity or elsewhere.

Mr. Campbell.—But the Council maintain that in the case of lecturers paid out of the fees of students, that although it may be subject to sanction afterwards given, that the initial power of appointment lies with them. The President gave away that of his own absolute authority, and would not allow it to be put in the form in which it would be left open.

The President.—I shall be happy to place the correspondence in his hands, to show how far I gave it away.

Mr. Roche then read number (3), which was as follows; "Instructed the Registrar on two occasions, viz., 18th of March and the 8th of April, 1892, to insert on the minutes of Council statements prepared by him."

Mr. Campbell.—There was the statement of March and April, and of November, 1893.

Mr. Roche.—There are only two referred to in this sub-section.

Mr. Justice HOLMES.—We can only refer to those of March and April.

Mr. Campbell.—These are only given as illustrations.

Mr. Justice HOLMES.—The only way we can deal with the matter is by dealing with illustrations.

Mr. Campbell.—Except, my lord, that the President will admit he has adopted the practice and claimed the right.

Mr. Justice HOLMES.—Perhaps the President would tell us exactly what right he claimed as to the Registrar putting on the minutes statements made by him, whether in writing or not in writing.

The President.—Well, it is a right that any one would claim. If a professor wrote a letter to the Council that is relevant to the business and asked that it be put on the minutes, I think it would be put on. That was the kind of letter I wrote, and they were never objected to. They appear to be useful to preserve what I said. If the President used his veto I think he should put his reason on the minutes.

Mr. Campbell.—At the time; not months afterwards.

Mr. Justice HOLMES.—As regards these two things they are put on at different times.

Mr. Campbell.—What he wrote on the 18th of March purports to be what he said on January 7th.

Mr. Justice HOLMES.—The statement was then put in writing for the first time. The last was the 8th of April, 1892.

Mr Campbell.—I think you will afterwards find that the 8th of April was expunged. You will read it there.

The President.—I will not be able to read it without getting it from the Registrar.

Mr. Justice HOLMES.—Tell us what it referred to?

The President.—It referred to my having brought a memorandum which referred to a previous statement.

Mr. Justice HOLMES.—And the Council objected to have it put on the minutes.

Mr. Campbell.—At a subsequent meeting he gave way and erased it.

The President.—It was at that meeting.

Mr. Justice HOLMES.—It seems to me as regards the entry of these motions on the minutes, both parties are in the right and both parties are in the wrong. It is one of those things which if there was not so much tension could not arise at all. I tell you I don't think the President has any right to direct the Registrar to put these statements on the minutes. What should be put on was what the Council desired to put on, but nothing was a more common thing than to move that such a thing should be inserted on the minutes and that was the proper way to do it. But, at the same time, it would seem to me that the President would have the right to hand it to the Registrar and say these are my reasons and I would like to have them preserved in the registry. That would be the right way to do it.

Mr. Campbell.—We do not quarrel with that.

Mr. Justice HOLMES.—The only question is whether or not the Council could agree as to whether it should not be written out. It involves some little labour, but I know myself that in a body with which I am connected valuable reports have been lost because they have not been copied on the minutes.

Mr. Campbell.—We would not object to that.

Mr. Justice HOLMES.—There is, as is obvious, a feeling of some kind of hostility. Perhaps that is too strong a word to use. Only that relations are strained, questions of this kind could hardly arise at all.

Mr. Campbell.—We will pass from it. It is not of importance. The gist is contained in the 18th of March, "And I hereby instruct the Registrar." That is an assumption of power.

Mr. Justice HOLMES.—It is the common law of these matters that what is put on the minutes is what the body itself resolves, but it is a very usual thing that written communications addressed to the body are moved to be inserted on the minutes.

Mr. Campbell.—And if he asked to have them put on the minutes there would be no objection, but he claimed the right to do it himself.

Mr. Roche.—We can see what an amount of triviality there is in all this.

Mr. Justice HOLMES.—There may be triviality on both sides.

Mr. Roche.—It is not unreasonable that he should put his reasons on the minutes, having regard to this important report of the College Commission.

Mr. Justice HOLMES.—There is no objection to putting his reasons on them, and having them preserved for the guidance of those who followed him, but it is a different thing if he comes direct to the Registrar to have it on the minutes if there is not a resolution to that effect on it.

Mr. Campbell.—That is the whole point.

Mr. Justice HOLMES.—Now, let us come to number four.

Mr. Roche read number four which was as follows:—"At a meeting of Council of the 14th December ruled to be out of order a motion made

by a member of Council at a meeting of the 27th of November, to the effect that the minutes of the 9th of November should be amended in a certain way, and ruled that that motion should not be inserted on the minutes of the meeting of the 29th November."

Mr. Justice HOLMES.—Is there any record of that in the book?

Mr. Campbell.—They would appear in the minutes of the 27th of November. You will find it in the middle of the minutes of the 27th of November.

Mr. Campbell (to the President).—Was not that where Professor Stokes moved the amending amendment?

The President.—No; it was long after that. It was at the preceding meeting that was moved.

Mr. Campbell.—You will find you are wrong. There was no meeting between the 9th and the 27th of November.

The President.—The motion you are in search of—

Mr. Campbell.—Was moved on the 27th of November.

Mr. Justice HOLMES.—The motion that refers to Professor O'Ryan?

The President.—That was on October 19th, 1893. Before entering into a discussion on this matter it is desirable to bring under your consideration the whole question. There occurs Professor Hartog's motion, next that dealing with Professor O'Ryan, and then the resolution that Professor Hartog's motion should be postponed to the next meeting.

Mr. Justice HOLMES.—What is that resolution?

The President.—The one you have. The next is that dealing with the absence of Professor O'Ryan.

Mr. Campbell.—And this was the order made "that Professor O'Ryan be informed that his absence from the Library during vacation, i.e., the period between the end of the College session and the beginning of the next, has been with the knowledge and sanction of the Council, and that this sanction was verbally given, though not recorded on the minutes at a meeting of the Council, the late President being in the chair, Professors Jack, Ridgeway, and Stokes bearing witness to the accuracy of this statement." That comes to the end of that.

Mr. Justice HOLMES.—Who moved that resolution?

Mr. Campbell.—It is not recorded here.

The President.—I beg your pardon. It was proposed and seconded by Professors Stokes and Ridgeway.

Mr. Justice HOLMES.—It is stated that you declined to put that resolution?

The President.—Oh, no. What I said was this—at the next meeting it would be premature to entertain any motion of the kind, because the matter was under the consideration of the Government.

Mr. Justice HOLMES.—What became of that motion?

Mr. Campbell.—It was carried. You will find in the interval that the President was trying to dissolve the Council.

Mr. Justice HOLMES.—I was under the impression that that motion was never put or carried.

Mr. Campbell.—That was a different motion: the motion to amend the minutes on the 27th of November.

Mr. Roche (to the President).—What you suggested was that the Government should give their view first.

Mr. Campbell.—And wait till the matter had been decided.

Mr. Roche.—What are we dealing with now?

Mr. Campbell.—We are dealing with the complaint of refusing to put that motion where the President claims the right to prevent discussion.

Mr. Roche.—What number are you dealing with?

Mr. Campbell.—Sub-section four.

Mr. Roche read the sub-section again.

Mr. Justice HOLMES.—What amendment was it?

Mr. Campbell.—Professor Stokes moved to add to the minutes of the 27th of November, 1893, "that on that date the President said he would dissolve the meeting of Council.

Mr. Justice HOLMES.—Was that in reference to Professor Hartog's motion.

Mr. Campbell.—It was in reference both to Professor Hartog's and to Professor O'Ryan's. Both came up on the 9th of November. You can spell that out of the minutes.

Mr. Justice HOLMES.—Give me your explanation, Mr. President, about dissolving this meeting.

The President.—It is with great reluctance I shall go into it.

Mr. Justice HOLMES.—Before we go on it is better to ascertain do you claim a right to put an end to these meetings when you wish?

The President.—Certainly not.

Mr. Justice HOLMES.—Do I understand that it arose from exceptional circumstances?

The President.—Certainly.

Mr. Justice HOLMES.—Is it necessary to go into that after that answer.

Mr. Campbell.—We dispute his claim.

Mr. Justice HOLMES.—It is an exceptional thing, where after a year or so a particular transaction is brought before the Visitors.

Mr. Campbell.—Of course I will fall in with any suggestion, but if it gives him the power to decide for himself the exceptional occasions on which he is to dissolve the meetings then it gives him a power to do what he likes, and we want to investigate the two occasions.

Mr. Justice HOLMES.—It will be impossible to investigate the two occasions without going into very great detail. But we cannot help it of course.

The President.—Of course you understand it is with great reluctance I go into this.

Mr. Justice HOLMES.—Explain why, on the 9th of November, you stated you would dissolve the meeting?

The President.—I wish it to be understood, and I emphatically state that it is with great reluctance I go into this subject. When I read these two motions—I suppose I may mention we had been sitting from three o'clock until six forty or six forty-five—the business that had come before me was done, and I thought it better to adjourn the matters concerning Professors Hartog and O'Ryan to a better time. I thought we might come to an end then, but after I read that statement, "the President not having yet had time to inquire into the matter" etc., Professor Hartog started from his chair—we try to do our business seated—what he said was, that it was part of the business, and that this statement of the President should not be allowed, that the Council should proceed with his (Professor Hartog's) motion, and that he (the President) was acting in a dilatory manner, and in a manner not calculated to reflect credit on his chairmanship. I remembered the rule that if there were any words of a disorderly character, the President had power to adjourn the meeting, and for that reason I adjourned it. I arose from the chair to enforce the adjournment, and Professor Hartog said that if I left the chair he would move another person into it and continue the meeting, and I recollected if this were done, and resolu-

tions were passed, complications might arise about legality, I sat down and asked him what he had to say. He said he wanted to have a day fixed for the consideration of his motion, and I agreed to it and said "I fix the next meeting." Then Professor O'Ryan's case was brought up, and it was decided to inform him that his absence had the sanction of the Council. I then dissolved the meeting, and asked Professor Hartog if he would sign the words I had taken down from him, or say they were accurate as he had written them down. Professor Hartog said that the President by declining to rule him out of order or to fix a definite time by which he would be ready to deal with his motion, was acting in a dilatory manner, and one not calculated to reflect credit on his chairmanship, and on the President stating that he would be ready to consider the resolution at the next meeting of Council, he asked the Council to adjourn the matter, which was ordered.

Mr. Campbell.—Every other member present was supporting him in having brought this to a decision.

The President.—So far as I know they were.

Mr. Justice HOLMES.—If I thought it was so small a matter I should not have hesitated to go into it in the first instance. From what I heard I thought it would be more unpleasant. I do not see that there is anything particular in it. Now let us come to the meeting at which Professor Stokes moved the resolution. On that occasion I understand that it was proposed that the question about the President's suggestion to dissolve the meeting, to postpone, or adjourn, or break it up, should be entered on the minutes. That resolution was moved by Professor Stokes, and the President declined to put it or insert it on the minutes. Therefore, I presume, it will not be found on the minutes.

The President.—I should like to read the explanation I could give?

Mr. Campbell.—I think you gave us one copy.

The President.—(reading) At the last meeting of Council (November 27th), Professor Stokes proposed and Professor Corby seconded the following resolution:—"That it be recorded on the minutes that the President left the chair, saying that that he dissolved the meeting, and immediately returned to the chair." I do not see my statement here. The President was then handed his statement, and this having been read,

Mr. Campbell said—As a matter of fact you never did bring this motion before them.

The President.—Never.

Mr. Justice HOLMES.—That disposes of number four.

Mr. Roche.—The next complaint is that the President claimed the right to sign, on his own responsibility, the minutes of the meeting of the 27th November, 1893, which the Council had refused to pass in their incomplete state.

Mr. Justice HOLMES.—That is part of what we have been discussing already.

Mr. Campbell.—The point of it is this—the minutes of the 27th of November contained an omission, and the Council would not approve of them being passed in that form, and on the 14th December the President claimed the right to sign them himself.

Mr. Justice HOLMES.—This would be a convenient place to tell us about the veto.

The President.—About signing the minutes, I do not claim any right. I said, "Shall I sign them?" and I think Professor Corby said—"Unless they are signed there may be some questions about the legality of them." So to save any trouble I said—"I'll sign them if I am allowed, and I'll take the responsibility." Well, I would not be allowed to sign them.

Mr. Justice HOLMES.—And they are not signed yet?

The President.—No. May I repeat a note I took—"The President proceeded to sign the minutes, taking the responsibility on himself, but the other members of Council objecting, he refrained."

Mr. Campbell.—It took them all their time.

Mr. Justice HOLMES said.—The question of veto was the important point, and they would now hear Mr. Roche on it.

Mr. Roche.—With respect to the question of the veto—I must go into the history of the question, because I think I am, as a matter of strict law, entitled to use the history of this Statute, and the dealing of the Commission of 1857, especially with this particular question, when I come to deal with the effect of it. This question has been more or less agitated since 1850, and apparently it was brought before the Commission of 1857, and it must be borne in mind that, so far as this particular question is concerned—that chapter three in which the power occurs—is in exactly the same condition as it was then. There was no alteration made in that particular clause of the Statute, though there were alterations made in other parts of the Act of Parliament. What do they report on this question? Apparently they did not content themselves with investigating so far as it related to this particular College, because they examined also the Presidents of Galway and Belfast. They got from them statements acknowledging that that had been then in use in these two Colleges—the veto of the President. Some of them said they considered it a rather invidious power to possess, and under the Statute one said he had never exercised it, but the power is dealt with as an existing power under the President of that day. And, my lord, what is the finding on the matter? "Considering the importance of making the President primarily responsible for the proper government of the College, we are of opinion that it is advisable to retain the provisions as understood by the Presidents of Belfast and Galway Colleges"—that is, to maintain it in its entirety, making it however compulsory that the President, in case he shall not within fourteen days sanction the resolution, to enter in the Council minute book his reason for declining to do so.

Mr. Justice HOLMES.—Who were the gentlemen that made that report?

Mr. Roche.—A very distinguished body. I know that the Chancellor of the Exchequer of the day was one of the Commissioners. Their names will be mentioned presently.

Mr. Justice HOLMES.—That is a recommendation that something new should be introduced.

Mr. Roche.—Of course—I am going to deal with that. That Commission had no authority as a court of visitors to pronounce definitely the true construction of a rule. It was to find out the meaning of the rule.

Mr. Justice HOLMES.—I don't think that was the object of the Commission in that part of the report which you refer to now. It is obviously something that should be done in the future. Two gentlemen state they had the power to veto, stating that they would prefer not to have the power, or at all events had a difficulty in exercising it. Sir Robert Kane thought he had no power, and this Board makes a report as regards the future of the College, and says it should be preserved. The two gentlemen who thought they had it appeared to contemplate the framing of another statute.

Mr. Roche.—That is the point I am submitting. The question as to the meaning of the Statute was in controversy then.

Mr. Justice HOLMES.—No doubt.

Mr. Roche.—The meaning that the Presidents of Galway and Belfast attached to that clause was that a moderate veto vested in the President. Sir Robert Kane thought he had no such veto, and he never exercised it. The Commissioners see the importance of making the President primarily responsible for the proper government of the College, and say that "we are of opinion that it is advisable to retain the present provision as understood by the Presidents of Belfast and Galway." They merely say that, as understood by these gentlemen, it was desirable to retain it, making it, however, compulsory on the President to enter in the minute-book within fourteen days his reason for refusing to sanction a resolution.

Mr. Justice HOLMES.—They would have to put in something more than that, because to change it in that way would leave it in the way it was.

Mr. Roche.—I am coming to that. The recommendation was given. The authorities had the opportunity of considering the regulations when the new Charter was issued. They were supposed to have the Report of the Commissioners before them, but they did not make the alteration, nor did they adopt the suggestion that the President should enter in a book his reasons for refusing to comply with any particular resolution.

Mr. Justice HOLMES.—That is quite true, and would not the result be that, the Statute is re-enacted, leaving it to be decided what the meaning was by any person who would raise it. This report only gives an opinion on the law as it stood. They say it would be desirable to have under that Statute powers given to the President, such as two Presidents conceive they have. That is all it gives.

Mr. Roche.—It only goes to that; but I submit to your lordship that it is of great weight when considering the words of the chapter we are now dealing with. In chapter three the constitutional powers of the College Council are dealt with. The general government and administration of the Council is vested in them. The President is to be the Chairman of this body, and is to have not only a vote but a casting vote. In his absence there are other provisions made. The Council has power to regulate the course of proceedings. The Council shall have power to prescribe the course of instruction, and so forth; and then comes this—"The Council shall exercise a general supervision and control over the income and expenditure of the College. No resolution of the Council shall come into operation until it shall have received the signature of the President, or, in his absence, of his deputy acting by his authority." Now, I submit—this being the clause before the Commissioners who held that inquiry—in coming to a decision as to what the true effect of the decision is—the previous finding of the Commissioners is of considerable weight under the circumstances. What meaning is there in this resolution placing the President at the head and in control of the College? His duties are prescribed in the very next section. He shall, in virtue of his office, preside at all collegiate meetings; he shall have power to prescribe and regulate the order to be observed at the opening and closing of the session; he shall prepare the report of the proceedings of the College, and forward it to the Lord Lieutenant; the correspondence shall be conducted under his direction; he shall sign, or authorize the signature, of all certificates of prizes and so forth; he shall prescribe the times and hours of attendance for the Bursar and Registrar; he shall have the power of appointing the minor officers of the College, and of regulating their duties and controlling

their conduct; he shall have the sole power of granting leave of absence, and there is a provision dealing with persons who disregard their duties. There are various other powers when the statutes come to deal with the duties of the Registrar. He has to carry on the correspondence of the College under the direction of the President, and to keep a record of all College transactions. He shall prepare official documents of the College; he shall prepare and make copies of all other College documents which the President or Council may require; and, my lord, when it is the rule and statute that the President is responsible to the Government for the good order of the College, it is conceivable that a resolution might be proposed at the Council meeting—the responsibility for which resolution would eventually rest upon the President—and, my lord, I conceive nothing would be more reasonable than that he should have a voice in refusing to sanction anything that would infringe upon or mar the good order and discipline of the College. President Slatery found this a very controverted question, apparently not settled by any decisive authority, and he had before him the report of this Commission in that place where this point is noticed, and on the meaning of the words—what shall the section mean—"The Council shall exercise a general supervision and control," &c., and then "no resolution of the Council"—it is absolute in terms—it is not a resolution which is *ultra vires*, because, I presume, he would not need any resolution at all to refuse to sanction an *ultra vires* resolution—that would fall of its own dead weight. It can only be applicable to resolutions upon which the President could exercise his discretion, and which, in his opinion, would offend against the order and discipline of the College, or be calculated to do so. "No resolution shall come into operation"—shall have no effect whatever—"until it shall have received the signature of the President, or, in his absence, of his deputy acting by his authority." The meaning that my learned friend seeks to put on that was, that it dealt with resolutions *ultra vires*.

Mr. Justice HOLMES.—I don't think he said that exactly. What struck me about it is this—give it a sensible and English construction having regard to the rest of the chapter. The President is made Chairman practically of the Council. He is given a vote and a casting vote. He takes part in their deliberations, and if they are evenly divided he can control their deliberations. It provides what its powers may be, and it winds up by saying that "no resolution can become operative," &c. You must consider that, having regard to what has gone before; and the reasonable meaning that would seem to me to attach to it is this—that the President, after the matter has been duly passed by Council, has then to indicate that by his signature, and until it is so authenticated—until he has examined and seen that it has been properly passed by a majority of the body, and it is matter within the authority of the body that passed it—it is inoperative; and when he or his substitute does that it becomes law.

Mr. Roche.—My lord, was not that what I was submitting to you?

Mr. Justice HOLMES.—Must it not be *ultra vires* before the question can arise?

Mr. Roche.—If it has been passed, the question would arise—is it *ultra vires*?

Mr. Justice HOLMES.—If my construction be right, he would not have the right to say it would be *ultra vires*, but he would have the right to justify himself by refusing to sign it.

Mr. Roche.—Ten men may rule better than one. It is all a question of times and circumstances.

Mr. Justice HOLMES.—That is getting into a matter we are not here to decide.

Mr. Roche.—Here is the matter the framers of this rule had to consider. They were placing the President in control of the body. They were giving him very large powers. It could not have been the design of the framers to have constant visitations, such as your lordship is engaged in, and it was not unreasonable that they should define his authority in some way in respect to matters which are not expressly dealt with.

Mr. Justice HOLMES.—Is not the argument you are making against yourself? According to your argument it is not vested in anyone, because, according to Chapter 3, the President has no original jurisdiction—he cannot make any original movement. It is to be done by the Council, with or without the powers of the President. According to the question as it stands, the President being a member of the body, the final authority would be no more. The College Council would be the only body that could make regulations. In one case the College might come to a deadlock, in the other case it never could.

Mr. Roche.—In the one case you appoint a member of the College; you give him a Council, and that Council has power to undo or make impossible the acts which the President may consider necessary for the government of the College.

Mr. Justice HOLMES.—On that point I am at issue with you. Chapter 3 seems to deal with the government of the College, at all events with a very large branch of the government.

Mr. Roche.—Well, my lord, I submit to your lordship that that cannot be effected by this clause or this Chapter 3. Chapter 3 does not stand alone, and the whole of the Chapter was to be taken into account when we are discussing this matter—the object of these powers and the amount of their exercise.

Mr. Justice HOLMES.—Take a simple matter. Suppose all the members of the Council took one view; suppose the President took a diametrically opposite view; suppose the Council were to pass a resolution that portion of the funds were to be spent in a certain way, and the President refuses to allow that resolution to pass. It then becomes inoperative; and suppose the Council say we shall not exercise any other vote but that?

Mr. Roche.—There is the commanding power of the executive which was intended to correct the use of this veto.

Mr. Justice HOLMES.—As I read these statutes the governing executive could not direct this Council to spend money in a particular way. The Council are free, but the Government may say if you do not choose to spend the money we may stop that sum on the annual estimates.

[Mr. Roche read the appointment of Visitors who were nominated by the Crown, and sat under the Crown.]

Mr. Justice HOLMES.—The Visitors do not represent the Crown in any way.

Mr. Roche.—Their appointment is vested in the Queen. The source of their authority does not affect the question, but that they are under the control of the executive is enough for me.

Mr. Justice HOLMES.—I assure you that the Visitors are not under the control of the central government.

Mr. Roche.—They are appointed.

Mr. Justice HOLMES.—That is another thing.

Mr. *Roche*.—The power of appointment is vested in the Crown, and the Crown sends down Visitors who will apply themselves to any abuse in the College.

Mr. Justice HOLMES.—That is quite true; but it does not affect our functions or judgments here. I am performing to-day what I am doing the other five days of the week in the Court of Queen's Bench.

Mr. *Roche*.—I was led into this discussion as to the inconvenience that might arise. You put the argument—here is the Council vested with the general government, when they had special powers conferred on them? Your lordship asked could it be said then that all these powers can be nullified by the refusal of the President to sanction or put his signature to the resolution. That, of course, is the strongest way in which the argument can be put.

Mr. Justice HOLMES.—I rather reiterated the argument. You were pressing yourself, but that is the purport of the last argument.

Mr. *Roche*.—I respectfully urge the considerations. First I say with great respect, taking the legal consideration only, it is in favour of the contention that I am submitting. Then, again, I have to submit the inconvenience that might arise if the President is exposed to be thwarted by resolutions interfering with discipline, or order in anything, or affecting the rights of the executive to whom he is responsible. Secondly, I submit if any inconvenience arises from the President's action, the Crown has power to override it.

Mr. Justice HOLMES.—How?

Mr. *Roche*.—By removing him from his office.

Mr. Justice HOLMES.—Or by removing the Council.

Mr. *Roche*.—If this power was taken from the President, inconveniences grave and numerous might arise. It was not said that it was often brought into requisition, and it is presumed it will be always used with discretion, because I don't think it has been shown that President Slattery has used the power given to him unreasonably, or has acted in an absolute or dictatorial way with a view to making himself absolute or supreme, or to gather the power into his own hands. Every one of his statements has been the statement submitted, not by a dictator of a number of persons bound to obey, but by a reasonable man to his brother professors as grounds and reasons why he acted as he did in refusing to take certain resolutions. To alter the true and original interpretation of this Charter would, I submit, lead to serious inconveniences in the transactions of the College. As to the limitation of the matter of the veto there were a number of Presidents and Vice-Presidents on the Board who had charge of the interpretation of this Statute.

Mr. Justice HOLMES.—I would not attach much importance to the construction given by the Presidents to this Statute. Each individual has a desire to magnify his own office, and the natural inclination in the mind of the President would be to give himself the largest amount of power.

Mr. *Brown* followed on the same side, and said—My attention has been called to Chapter three of the former Statute, and it is a matter of comment that in several of these sections all the old statutes have been altered, except in relation to this clause in Chapter three, of which not a line had been altered. It was a matter for consideration, and it appeared to him a very curious thing that where a moot point had been raised, and where grave doubts and contrary interpretations had been given, that they should have adopted precisely the same expressions as regarded the veto of the President in the new Charter, and he submitted

that in the adoption of these words, where an interpretation had been put upon them, they were bound to consider what interpretation had been put upon them at the time. That became a matter to be weighed by the court.

Mr. Justice HOLMES.—I could understand that matter very well, assuming that the intention of the framers could be shown to be to give the President this power you claim for him. They apparently said we will follow the words we have always used, and if there is any difficulty in their construction, we have a court to which they can be referred. It was like the way Sergeant Maynard drew his will to have a certain law point settled.

Mr. Brown.—At the time this Statute was made the current of opinion was in favour of the veto.

Mr. Justice HOLMES.—The current of opinion was that the two Presidents whose interest it was to interpret it in that way held one view, and the other held a view against his interest. I do not call that a current of opinion; none of them were lawyers, and none of them pretended to be lawyers.

Mr. Brown.—As to the construction of the words "no resolution of the Council shall come into operation, etc," it appeared to him to be a very restricted veto to give to the words of the last clause, the effect that is sought to give them, that is—that it was as a record to the outside world that they should have evidence that the resolution had been duly authenticated. He submitted that having regard to the responsibility of the office that it was a reasonable thing to give him a veto, so as to protect himself against the acts of the Council if they were injurious to or prejudiced him in the discharge of his duties.

Mr. Justice HOLMES.—It would be a relevant matter if you could furnish us with instances of this power being plainly exercised before the present President came here. Have you any information at all?

Professor JACK was understood to say that there was one instance in which a President declined to sign a resolution, and he said he would sign it on the following day.

Mr. Brown said as regards this being a protection to the President he merely suggested that.

Mr. Justice HOLMES.—There must be some way in which a resolution of this kind must be published. If it appears on the books of the Council without any signature it is very difficult to know how it came there.

Mr. Brown said this paragraph then did not provide for publication or anything of that class.

Mr. Justice HOLMES.—I don't think it was introduced for the purpose of giving protection against *ultra vires* resolutions, what I said was if the President declined to sign a resolution upon the ground that it was *ultra vires*, he did so on his own responsibility, and if the matter was subsequently inquired into, and he was found to be right, the President's refusal to sign would be justified.

Mr. Brown.—There is one other thing I have to add. In reference to what your lordship has said there might be a deadlock when the President and Council might be at variance. Of course that might possibly occur, but the improbability of a deadlock arising, even the probability, would be no reason for such a strange interpretation as the appellants sought to affix to the clause.

Mr. POWELL rose to reply, but Mr. Justice Holmes said—We did not call on Mr. Campbell, and I don't think any of us is convinced of it.

After a consultation.

Mr. Justice HOLMES.—We will now come to number four. "The President has on several occasions withheld from the Council, etc." It is a matter to which some importance is attached. I have not formed any opinion on the subject. The only opinion I have formed is that it seems to me to be very hard to deal with it as an abstract question.

Mr. Roche.—There are three occasions in respect to which the cases arise.

Mr. Justice HOLMES.—I think the best way is to take up these cases. I can understand that the President might correspond with a person in power and authority and it might be wholly confidential, as far as they are concerned. Take for example a rich man who wished to give an endowment to the College, and he selected a member of the Council who was a personal friend to whom he would communicate his intention and with whom he would correspond as a friend. I do not think he should be expected to bring that before the Council.

Mr. Campbell.—Certainly not.

Mr. Justice HOLMES.—The only way to deal with it is to deal with concrete cases.

Mr. Roche said that the withholding of certain communications from the Council was nothing more than a temporary postponement of the bringing of the correspondence before the Council, the correspondence having been initiated in nearly every case at the request of the Council. During the intermediate stages which occurred chiefly when the College was in vacation the President had to go on with the letters to bring it to more or less completeness. During that time the correspondence was not brought before the Council, but his lordship would find that the President never wilfully withheld it on the application of the Council. But it was right to say that the President claimed the right to exercise a power as to what he is to keep back, as he has confidential communications which are not capable of being disclosed to the Council or any other body.

Mr. Justice HOLMES.—The Executive is a branch of the public service. When it is stated that the administration of the College is in the hands of the Council it seems to me that it was never intended that any communications relating thereto should be kept by the President himself.

Mr. Roche.—No, my lord, that is not the class of communication I intended to refer to.

Mr. Justice HOLMES.—That is the class under number four.

Mr. Campbell.—And the only one we complain of.

Mr. Roche.—I am going to deal with these instances specifically. The other was a general observation that there might be classes of correspondence.

Mr. Campbell.—The first one I mentioned was the one in reference to the "65" rule.

Mr. Roche.—Very well, the President is quite prepared to go into that resolution.

Mr. Justice HOLMES.—It is the one we are dealing with.

The question of the purchase of Perrott's land was first taken up.

Mr. Roche.—Mr. President, do you remember these proposals to take these lands?

The President.—Oh, yes.

Mr. Roche.—When did it first come on?

The President.—I believe long before my time. There were old negotiations between the owner and the former President.

Mr. Roche.—Do you remember the occasion on which it first came before the Council?

The President.—I have it in a letter here, I won't say the first time. I have a letter of June 14th, 1892. I suppose your lordship I am protected in reading these letters, which are official correspondence. The first is a letter of mine to the Secretary of the day, in which I state I was directed to ask the sanction of the Executive to spend out of the unappropriated balances a sum of £200 in the part purchase of this piece of land which was in the market and which it was most important for the College to obtain. On the motion of the Council—by direction of the Council—I applied for permission to expend the £200 out of the unappropriated balances, and a letter, dated June 26th, was received by me, in which it was stated that the services vote could not be expended in the purchase of land as recommended by the Council.

Mr. Campbell.—Is there not a letter following that?

The President.—My reply went to show, that their lordships were not carefully advised in stating that this money could not be used for the purpose indicated. I wound up by asking that the Government would reconsider the matter in the light of the precedents and grant the permission asked for. The next letter is the 28th of June. It is a letter on which a charge is founded. That letter enclosed an opinion of the Attorney-General's, stating that the money could not be so appropriated. Then came my reply of October 11th, and the result was to shake the opinion of the Government and probably of the Attorney-General on the opinion which he had given. Possibly it might have been better if I had waited and taken the legal opinion of Counsel.

Mr. Justice HOLMES.—What reply did you get?

The President.—I went into the case, and showed we had right and power on our side, and on the 21st I got a letter acknowledging it, and saying that the matter would be further considered. I gave a map of the ground and a statement, asked for, in reference to the botanical instruction, and I fortified my own opinion by the valuable one of Professor Hartog, in which he practically said we could not live as a botanical school without it. I applied to Mr. Sullivan, the Superintendent, and he was of opinion that we should get the land. I got another letter on the 23rd of December, acknowledging the receipt of this letter. On the 3rd of January I got a further letter, in which they state that they had sent the papers to the Board of Works. Then I got a letter on the 31st January, enclosing one from the Board of Works, which comes to this—that they say, that the ground would be very useful, but that there is no chance of getting the remaining £260 from the Government. Our offer was £200 and the Government to give £260, or allow it to stand over for some time. I brought the matter before the Council, read the correspondence, and the Council agreed to offer the whole money. I brought the whole matter before the Council before the 24th of February.

Mr. Justice HOLMES.—What was the end of it?

The President.—We were allowed to buy the ground, and we bought it.

Mr. Roche.—You did not intentionally hold back any letters?

The President.—No, certainly not.

Mr. Campbell.—You did not mention the letter of the 18th of July until the February following?

The President.—Until I brought the whole matter before them.

Mr. Justice HOLMES.—As to whether this was strictly legal or not, it seems to me to be a perfectly innocent affair. Up to a certain point there was nothing to bring before the Council.

Mr. Campbell.—But he claims to do it without asking them.

Mr. Justice HOLMES.—But does he claim it?

Mr. Roche.—Not at all.

Mr. Campbell.—Whatever your claim may be now you have up to the present claimed to hold the correspondence.

The President.—I never formally stated anything of the kind.

Mr. Campbell.—Did you not state, that you not only claimed it, but that if any objection to your claim was pressed you would mark it confidential?

The President.—Certainly not. I said some of it was confidential.

Mr. Justice HOLMES.—According to my experience of Government communications there is no Government one marked "confidential." No person has a right to hold such correspondence as confidential.

Mr. Campbell.—Your lordship has noted the disclaimer?

Mr. Justice HOLMES.—Certainly.

The President.—I would ask your lordship to give me some practical directions about the correspondence.

Mr. Justice HOLMES.—The President in his discretion held the incomplete correspondence for a certain time. Supposing he brought the incomplete correspondence before the Council what would be the use of it until there was an answer.

Mr. Campbell.—If the Council are responsible for this correspondence, as we say they are, the President by not telling them what he is writing, hinders them to what he is writing. The Castle authorities treat these letters as emanating from the Council.

Mr. Justice HOLMES.—I quite admit that if there was any change in the correspondence it should be brought before the Council. The correspondence all through is on the basis of getting the ground for £200, and then when they could not get it he brings it before the Council and they say get it for £460; as regards the course of the correspondence it must be under the direction of some one.

Mr. Campbell.—Of course, we never suggested that it should not be.

Mr. Roche.—Now, as to the letter of the 3rd of March, 1892.

The President said he received a letter from the Under-Secretary expressing regret that His Excellency was unable to approve of the list of salaries submitted, as it appeared from the return of the 6th of May, that one professor was over sixty-five years of age, and His Excellency did not feel at liberty to approve of him. If a list was sent omitting this professor's name His Excellency would forward his approval in the customary way. On receiving this letter he (the President) considered that Professor England was the first man he should see, and he had a conference with him. In April he wrote acknowledging the letter from Dublin Castle, and begged leave to submit to His Excellency arguments to prove that the "65" order did not apply to the professors of the Queen's Colleges.

Mr. Campbell.—In the meantime had there not been a Council meeting on the 25th of March?

The President.—If you tell me there was I will not contradict you.

Mr. Campbell.—While you had the letter withholding the approval did not the Council vote the money.

The President.—The money in the augmentation list! Certainly not.

Mr. Justice HOLMES.—He says that the list was sent up, the approval was refused, and the Council without knowing that the approval had been refused voted the money and ordered payment.

The President.—The communication is dated the 23rd. I did not get it for two days after. I never got it on the following day so that would bring me to the 25th of March.

Mr. Campbell.—Did you ask Professor Jack or the Bursar not to mention that you got this?

The President.—I don't remember. Certainly not.

Mr. Campbell.—The Bursar instructs me you did.

The President.—Certainly not. I don't remember if I did. I don't remember having any conversation about it except with Professor England.

Mr. Campbell.—You don't remember whether you mentioned it to anyone but Professor England?

The President.—Afterwards I may have talked to the Bursar and asked him what would we do.

Mr. Campbell.—Did you ask him not to mention it to the Council?

The President.—Certainly not.

In reply to the Court.

Professor Jack said the letter dated the 23rd would arrive at the College on the morning of the 25th.

Mr. Justice HOLMES.—What strikes me is that this incident at most arose from an oversight. He wrote a letter, got a reply and consulted with a gentleman who alone was interested in the augmentation list. He saw him and that could be verified by that gentleman. As far as the other gentlemen were concerned they had no interest in the matter beyond the making of a mistake.

Mr. Campbell.—They had this interest:—on the 25th, they passed an order to give Professor England his salary on the assumption that he was entitled to remain, although he was sixty-five years of age. If that was wrong they would have to refund.

Mr. Justice HOLMES.—My impression is that he had not received the letter at the time because it was his own interest as much as that of any other member of Council to bring it forward.

Mr. Roche.—The correspondence afterwards shows what interest the President took with the Bursar and Professor England in endeavouring to secure the latter gentleman.

Mr. Justice HOLMES.—And I understand that subsequently the Government gave way and the thing was settled.

Mr. Campbell.—Supposing they had not?

Mr. Justice HOLMES.—It would be an unfortunate mistake and only a mistake.

Mr. Campbell.—We will pass from it, if it is only a mistake.

Mr. Justice HOLMES.—The President can give no explanation, but I give the explanation that if he got the letter it must have been withheld through an oversight.

Mr. Campbell.—Now, there is memorial number three.

Mr. Justice HOLMES.—What is this memorial?

The President.—I can tell you briefly. I think it was on the 31st of March I got a letter from the Lord Lieutenant ordering me to send in the names and ages of certain professors as being subject to the provisions of the Order in Council known as the "65 Rule." I called a meeting of the Council, and I said if we were to come under this rule we were Civil Servants, and that up to the present our Charters had been everything. I recommended that the matter should be referred to the Corporate Body. It is for me to call a meeting of the Corporate Body. That is one of the executive powers of the President. Before the meeting of the Corporate Body, Professors Jack, Ridgeway, and myself

were appointed to draw up a memorial. We drew it up. I brought it before the Corporate Body, and got from them a general sanction to send it on in a revised form to the Government. I met Professors Jack and Ridgeway, and we agreed upon the memorial which should be sent up. There was no formal amendment or anything of the kind mentioned. If there had been I would have put them in. I read the memorial to Professors Jack and Ridgeway, and I may as well tell you I had the habit, the bad habit, of keeping a diary, and referred to it to see how many meetings of the Corporate Body occurred. Ultimately an agreement was come to to send on the memorial.

Mr. Campbell.—Is not this what happened? The Council prepared a memorial on the 10th of March, 1891.

The President.—No. I don't remember any meeting.

Mr. Campbell.—Whether it was a meeting of the Committee or of the Council did they not draw up a memorial which went before the body Corporate on the 18th of March.

The President.—Yes

Mr. Campbell.—Did they not pass a resolution authorising you to sign it?

The President.—Yes.

Mr. Campbell.—Did they not appoint a committee to have that carried out?

The President.—They re-appointed the same committee.

Mr. Campbell.—Did you not produce to that committee a fresh draft?

The President.—I did not.

Mr. Campbell.—That is the point at issue.

Mr. Justice HOLMES.—Was there any specific variation?

The President.—Not the slightest.

Mr. Justice HOLMES.—Did you ever see a draft prepared by a Corporate Body? It would shock you if you did.

Mr. Campbell.—Did they not say "We are tied hand and foot?"

The President.—Nothing of the kind.

Mr. Campbell.—Did you not in fact send in another memorial?

The President.—I sent substantially the same one.

Mr. Campbell.—Did you not send in a document that the committee who were acting with you disapproved of?

The President.—No; certainly not. They expressed their approval of it.

Mr. Justice HOLMES.—Up to the present I have not heard what was in it.

Mr. Campbell.—It is not worth while going into the matter, having regard to the President's disclaimer.

Mr. Justice HOLMES.—We will now take up number five.

Mr. Roche having read the paragraph in question—

Mr. Campbell.—The President has asked for some directions about the correspondence. All that we ask is that the provisions of the Charter be observed by which it is enacted that the correspondence should be carried out by the Registrar under the direction of the President.

Mr. Roche.—That is what he wants to have done.

Mr. Campbell.—Well, then, we are both agreed.

Mr. Justice HOLMES.—I would wish to add that if at any particular time the correspondence takes a different course from that which it had been pursuing, that the Council should be called in and made aware of the fact.

The President.—Surely I am not to understand that I should call in the Registrar to write a letter. Was that done by Dr. Sullivan? Was that the system?

Mr. Justice HOLMES.—We are not going into that.

The President.—I shall have to apply for directions to the Government.

Mr. Justice HOLMES.—I think that could be done by a little understanding between parties.

Professor Jack.—As in Dr. Sullivan's time when it was always laid before the Council and not positively refused and only granted as a privilege to them.

The President said he was pointed out two boxes in the Bursar's office which contained the late President's correspondence. The Bursar told him he had not time to look into it. He (the President) went into them, found them in great disorder, arranged them and read them to see what he could learn from them.

Mr. Justice HOLMES.—Has the Registrar a registry?

The President.—There is the Registrar's office.

Mr. Justice HOLMES.—And why are not these documents put there.

The President.—I was never asked for them.

Mr. Campbell.—Are you prepared to hand over the documents to the Registrar?

The President.—You will remember that I am entitled to see these documents at any time?

Mr. Campbell.—Of course.

Mr. Justice HOLMES.—That is, as I understand, the object of putting them in a registry.

Paragraph number six was next taken up.

Mr. Justice HOLMES.—It is desirable to know about the public meeting question.

Mr. Roche.—That is the second part of number six.

Mr. Justice HOLMES.—As I understand the matter, the President spoke to some one, and he was told that it was usual to request permission for the students to hold meetings. What is the claim of right in this matter?

The President.—I have never asserted any claim of right in that sense. I gave these young men the use of the examination hall. I was told my predecessor did it, and that the President of Belfast College did it, and I saw nothing in the statutes about it.

Mr. Campbell.—If necessary I can give you references.

Mr. Justice HOLMES.—It is admitted by the President that he gave the use of this hall to some college society. He said the reason he did so was that he understood his predecessor claimed that right or exercised that privilege, and he conceived he was following in his footsteps.

Mr. Campbell.—I will give you the evidence of Professor Jack, who will tell you the practice.

Professor Jack was then examined.

Mr. Campbell.—How long are you Registrar?

Professor Jack.—Since 1876.

Mr. Campbell.—You are acquainted with the practice and course of procedure with regard to giving the hall or any other portion of the College buildings for public meetings?

Professor Jack.—Certainly

Mr. Campbell.—And what has it been?

Professor Jack.—As a general rule the practice was to make application to the Council.

Mr. Campbell.—Are you aware whether during the lifetime of the late President an opposite course was pursued?

Professor Jack.—Not exactly an opposite course. An application was made for the use of the room, and as there was no time in which to hold a Council meeting, the late President gave leave provisionally, and afterwards brought the matter before the Council.

Mr. Campbell.—Do you remember an instance where the hall was given, and the invitations had to be cancelled.

Professor Jack.—There was one of which I was reminded by Professor Charles. The use of the hall was granted to Dr. Eames to deliver a lecture, but a question was raised at the Council as to whether permission had been given, and as a result the leave was withdrawn, and the invitations cancelled.

Mr. Campbell.—I can give you ten instances for the last twelve years.

Mr. Campbell.—Did not the present President write to you, asserting that he had the right to give the use of the hall?

Professor Jack.—He said he gave the use of the hall on his own personal authority.

In reply to a question from Mr. Roche—

Professor Jack said that on the occasion of the 11th December, 1890, when the President granted the use of the hall, he made no request to the Council to confirm the permission. He thought it was granted on the assumption that the old rule would be observed. An urgent answer was required, and the old practice was that temporary permission should be brought before the Council.

Mr. Campbell.—If the right is no longer claimed we don't press it, but if it is, I'd like to give you the references on the minutes.

Mr. Justice HOLMES.—I don't understand that the right is claimed. It is rather this, that the President does not know what his position really is, but we will be able to inform him, and I am sure he will be delighted with it.

Questioned with reference to the giving of apartments to Mrs. Jolley—

The President said—The woman did not stay there twelve hours after I knew it. She was at once told to remove her apparatus.

Professor Jack.—I made inquiries as to what authority she had for sleeping there, and I was told she got permission from the President. I spoke to the President, and he said—"Very well, I'll withdraw the permission."

The President said when he heard of the woman sleeping there he sent for the steward, and told him to tell her she would have to clear out in twenty-four hours.

Mr. Justice HOLMES.—The next question is that dealing with the appointment of deputy by the President. This seems to me a little more important.

Mr. Roche.—The President will tell you the facts. Mr. Campbell has said some things which are inconsistent with the information given to me. (To the President.)—On your appointment, did you consider the question of a deputy?

The President.—Yes.

Mr. Roche.—Have you during the time that has been covered by this inquiry ever been absent for any length of time?

The *President*.—Certainly not.

Mr. *Roche*.—What is the longest absence you remember?

The *President*.—A fortnight.

Mr. *Roche*.—What was your average absence?

The *President*.—From Monday night to Friday night, or Saturday morning, and that was at the Royal University.

Mr. Justice *HOLMES*.—Is there any reason why a deputy should not be appointed?

The *President*.—No, except that I saw it was unnecessary. My address was known and a telegram would fetch me.

Mr. *Roche*.—Did you on one occasion as a matter of fact appoint a deputy.

The *President*.—I did.

Mr. *Campbell*.—But did I not understand you to say that you had been a full fortnight away without appointing a deputy?

The *President*.—I have never been away in session without appointing a deputy. I only remember to be away once for a fortnight?

Mr. *Campbell*.—Did you appoint one only once?

The *President*.—Yes.

Mr. *Campbell*.—Were you not away for a week in session?

The *President*.—Yes, from Monday till Saturday. That was when I was at the Royal University.

Mr. *Campbell*.—Was there any occasion when the business of the College was delayed in consequence of your absence?

The *President*.—Not to my knowledge.

Mr. Justice *HOLMES*.—I cannot see why a deputy should not be appointed. If the President is absent for a day, and the members of Council want a deputy, I think it shows a want of tact when it is so easy to get rid of any trouble by appointing a deputy. What seems to us as a misfortune is that there have not been the explanations and confidence which we think should exist in the governing body of the institution. That is the foundation of a great deal of the difficulties which have arisen in connection with the matters we are now investigating. Of course we cannot tell what is the cause of that.

Mr. *Campbell*.—The only two points that remain are those in Professor Jack's application. It was conversant with two points of which one is settled by the appointment of a deputy. The second is a serious one from Professor Jack's point of view, and it is to ascertain whether he is under obligation to hunt up records, and to present the President with reports on them on matters at issue between the Council and the President.

Mr. *Roche*.—I'll ask for specific instances. This is a general roving inquiry.

Mr. *Campbell*.—Will you mention, Professor Jack, occasions on which this labour has been imposed upon you?

Professor *Jack*.—The first question arose between the Council and the President as to the necessity for the appointment of auditors. He called on me and asked me to make a report as to the paying of accounts from 1863, and he particularly said that written documents would be of great importance to him. I had to go through all the reports which are lodged in the pigeon-holes of the registry office. That involved a great deal of labour.

Mr. Justice *HOLMES*.—It is one of the claims of the Council, and one that the Visitors have conceded, that the records and documents of the College should be under the control of the Registrar; of course, the object is to enable persons entitled to see them to have access to them,

and it seems to me that one of the duties of the Registrar is to make reports, and to search for anything that is required.

Professor Jack.—Quite so, and if necessary to make a short report.

Mr. Justice HOLMES.—Then, as I understand, if a question arises and it can be cleared up by reference to the records you don't complain of searching old records to find out anything?

Professor Jack.—Certainly not. It is the making of laborious reports and long extracts from minutes of Council.

Mr. Roche.—Have you any one of these reports to which you can refer us?

Professor Jack.—Take that for fixing the days of the Council. He asked me to make a report dealing with the days on which Council meetings had been held for the past twenty years.

Mr. Roche.—That was in connection with Professor Hartog's motion. He was seeking information as to the practice of the College.

Mr. Campbell.—Getting reports.

Mr. Roche.—Seeking information as to the practice of the College in reference to these meetings.

Professor Jack.—It is not a question of seeking information, but it is a question of pressing me for elaborate reports, in fact, converting the College Registrar into his private secretary.

Mr. Campbell.—Did you point out to him that some particular request was unnecessary and very oppressive.

Professor Jack.—I pointed out that it would be a considerable time before I could furnish it to him, because it would involve a great deal of labour.

Mr. Justice HOLMES.—These are questions on which the President was at variance with the Council.

Professor Jack.—Yes. There were other questions affecting College matters, but on these I never raised any difficulty, or thought of it.

Mr. Justice HOLMES.—I suppose that is all that is to be said on both sides. (To the Registrar).—Do you keep a catalogue or registry of the College documents?

Professor Jack.—I have never done so.

Mr. Justice HOLMES.—If you had kept such a registry it would facilitate these inquiries.

Professor Jack.—No, it would not, because they were generally in reference to searches through the minutes of the Council.

Mr. Justice HOLMES.—Was there an index to them?

Professor Jack.—No.

Mr. Justice HOLMES.—Did it not cause you additional labour by having no index?

Professor Jack.—It certainly did.

This concluded the evidence, and Mr. Justice Holmes announced that the decision of the Court would be delivered the following morning.

THE SECOND DAY—JUDGE HOLMES' JUDGMENT.

Of the many unfortunate differences that have led to this Visitation by far the most serious is the claim of the President to render inoperative resolutions of the Council of which he disapproves, by withholding from them his signature.

Theoretically this is a matter of supreme importance in the government of the College; and although the subjects in reference to which

President Slattery has sought to exercise this right have been of the most trivial nature, it has doubtless had much to do with the other controversies as well as with the general feeling of antagonism and jealousy which have for some time existed between him and his colleagues on the Council.

Mr. Roche has shown that this question is an old one and has a history. From the proceedings of a Commission appointed to inquire into the Queen's Colleges in 1857, it appears that doubts then existed as to the authority of the President in dealing with resolutions of the Council. Sir Robert Kane, the then head of this College, was of opinion that once a resolution was duly passed by the Council in a matter within its jurisdiction he was bound to sign it. The Presidents of the other Colleges believed that the statutes conferred upon them a discretion, although they regarded it as a discretion which it would be invidious to exercise and which they would prefer to be without. The report of the Commissioners recommended that it was desirable either to preserve or confer this power subject to certain limitations; but in the new statutes shortly afterwards adopted no change was introduced in the provision which had given rise to the doubts.

It is probable that the Government of the day thought it prudent to make no alteration in a matter vitally connected with the original constitution, leaving the enactment on the subject which had been settled when the Colleges were founded, to be construed by the proper tribunal if and when an occasion for doing so should arise.

It reflects great credit upon the tact and temper of successive Presidents and Professors, who have composed the Councils of these institutions during the half century of their history, that hitherto they have so conducted their deliberations and adjusted their differences as to avoid an appeal to the Visitors on this delicate question; and it is much to be regretted that while points of great importance, doubt, and difficulty must have been often amicably settled, President Slattery has now for the first time in fifty years raised this controversy by claiming the right to nullify the unanimous resolutions of his colleagues, not on an occasion involving principle and duty or affecting in a high degree the interests of his College, but in reference to matters which in the opinion of the Visitors were not worth five minutes' discussion.

A purely consultative body is not unknown in the management of affairs, public and private. The words found in Acts of Parliament "the Lord Lieutenant by and with the advice of the Privy Council" give one well known instance.

Is the Council of Queen's College, Cork, of this character? Chapter III. of the statutes deals with the constitution and powers of the Council, and by it the general government and administration are vested in that body. Its functions appear to be both legislative and administrative. It prescribes the course of instruction; it regulates the maintenance of discipline; it exercises control and supervision over income and expenditure. Chapter IV. relates to the powers and duties of the President; these are wholly different in their nature from those given to and imposed on the Council, and do not include any authority to over-rule or otherwise interfere with its completed resolutions and decisions. He is moreover himself one of the Council, and in addition to the single vote to which every member is entitled he has in case of equality a second or casting vote.

All these provisions indicate very clearly that the Council, alone and uncontrolled, is the governing body, and the only words relied on to support the right claimed by the President are found in the final clause

of chapter III., "No resolution of the Council shall come into operation until it shall have received the signature of the President."

This would be a curious method of giving the President a power to reject every resolution of which he disapproves. Consider what would be the result of this construction. The President is given no original or substitutional authority in relation to any of the matters over which the Council has jurisdiction. He and his colleagues differ on some points of immediate and vital importance relating, for example, to the expenditure of the College funds, and no compromise can be arrived at.

There is at once a deadlock. It may be possible to dispense with legislation; but no institution, great or small, can exist without an executive.

But, indeed, there is no room for argument; a natural and reasonable construction can be given to the provision that brings it into harmony with the rest of the statute. Its obvious meaning is, that the signature of the President must be obtained before a resolution comes into operation, so as to afford an assurance that it had been carried in a meeting of the Council properly convened and constituted. But once the President is satisfied of the legality of the resolution—that it relates to a matter within the jurisdiction of the Council, and that it has been duly passed—it is his duty to sign it. Mr. Roche has appealed to the Visitors to consider the inconvenience of forcing upon the President regulations or orders which he may think injurious to the interests of the College. This is an argument which we are not justified in taking into account. As far as this question is concerned we are sitting as a court of construction only. The same authority that enacted the statutes may have the power to alter them, and if the interpretation we place upon them interferes with the good government of the institution there is doubtless a remedy, but it cannot be found in a Visitation.

Having thus decided the important question of principle, the several specific subjects of complaint can be disposed of quickly. Most of them would probably never have arisen were it not for a disposition on the part of the President to assert in a somewhat aggressive and pedagogic way his personal authority and position—and the hostility thus engendered in his colleagues, who, it is to be feared, have occasionally shown themselves deficient in the reasonableness that sweetens counsel.

The President tells us that in the appointment of Mr. Porter, with the consent of Professor England, he had no idea that he was infringing the rights of the Council. The appointment was made at a time best suited for the work that was to be done and when the College was not in session.

We find no minute of the Council objecting to it when it came to their knowledge, and we do not consider it necessary to decide in whom the right to appoint was vested. A previous Visitation held that an assistant to a professor was to be nominated by the Professor himself, with the Council's consent. Mr. Porter, however, is not an assistant in the ordinary sense.

He was paid out of money given by a private benefactor to the President to be applied for this specific purpose. He was engaged from month to month, and both his work and the fund that remunerated him were of a temporary character. A ruling on this point would not govern any future case; and we are disposed to think that the action of the Council on this subject was rather hypercritical at the time, and that there is no good reason for re-agitating it after an interval of three years.

The resolution which the President declined to put to the vote on the ground that if passed he would not allow it to become operative, relating as it did to an arrangement of the times of the ordinary meetings of the Council was clearly within its jurisdiction ; and the President would have been bound to sign it if it had been passed. He was, therefore, not justified in his action in reference to it ; and, indeed, it is difficult to conjecture why he should have offered any objection to its terms, even if he had the right to do so.

His claim to have his written statements inserted in the minutes can not be supported. The minutes of the Council are under its own control ; and statements, letters, and documents can only be placed on them by the order of the body. Probably there would have been no objection to recording an important communication of the President, if he so desired ; but it is not surprising that his colleagues resented the authoritative and somewhat condescending tone of the lengthy memorandum, which with a curious disregard of proportion he had prepared upon a very trivial subject. His threat on two occasions to dissolve the Council does not appear to have been acted on, and to do so is not claimed by him, at least as a general right. A few hasty words by a professor followed one of these threats, and it throws a melancholy light on the want of mutual forbearance that an incident that ought to have been at once explained or forgotten, should have been renewed by the President in a pedantic correspondence, and by Professor Stokes in an attempt to have a permanent record of it placed on the minutes. The difference about the wording of the resolution of the 18th October, 1893, can not be treated seriously. The President suggests or dictates "pursuant to the sanction of the Government contained in a letter of such a date, the Council appoints." "No," say the Professors in effect—"the Council appoints subject to the sanction of the Government contained in a letter of such a date." The complaint against the President of withholding from the knowledge of the Council communications relating to the government and administration of the College received from different departments of the public service in the opinion of the Visitors utterly fails. On the several occasions investigated we find that the President acted with zeal and ability in the interests of the College, and carried out the wishes of the Council in a faithful and proper manner. We have been asked to give some instructions as to how the correspondence of the College is to be carried on. We intimated our views in the course of the hearing ; but we give no judgment on a matter as to which common sense ought to be a sufficient guide. We are of opinion that the President had no intention of encroaching on the rights of the College or the Council in reference either to the removal of the correspondence of the late President to his own house, or to the granting of the use of the Examination Hall for a College meeting ; and that on both occasions he acted in a reasonable belief that he was justified in what he did. Of course the records of the College ought to be kept in the Registry ; and it is clear that the use of the Hall and other buildings can only be granted by the Council. It is equally clear that the President ought, by the statutes, to appoint a deputy during his absence whether it be long or short. It does not appear that any of these last mentioned subjects of complaint was brought to the specific notice of the President, and without this having been done, it was hardly fair to bring them before the Visitors. At the same time the hesitation of the President yesterday to admit unreservedly the rights of the Council, and his own duties on matters about which there can be and is no dispute, indicates a difficulty

of disposition which we trust the President will endeavour to control in his dealings with his colleagues.

Charges VIII. and IX. are, we are of opinion, frivolous, and ought not to have been made.

In conclusion, the Visitors, bearing in mind that their authority is not merely judicial but in a measure superintending, would impress upon both the President and the Professors who form with him the Council, the necessity, in the true interests of the College, of the cultivation of more friendly and harmonious relations with each other. While we give them all the fullest credit for labouring for the prosperity of the College, it is impossible after hearing the evidence given yesterday to avoid the conclusion, that a spirit of hostility and recrimination has sprung up between them. No institution can flourish where this exists in the governing body. Mutual confidence leading to mutual concession, a respect for the opinions and even prejudices of one another, an earnest effort to avoid causes of offence—do not belong to all men by nature, but they may be cultivated and developed; and it is to be hoped that one result of this Visitation will be to make the members of the Council more charitable and tolerant amongst themselves, and thus cause their deliberations to be more useful to the College committed to their care.

HUGH HOLMES.

When the judgment had been delivered—

Mr. *Campbell* said—I know this Court has no discretion in the matter of costs, but there is one thing I would like to mention. The Council have funds which they are at liberty to dispose of for purposes that they may consider proper objects of expenditure and worthy of the approval of the Auditor-General, and all I would suggest is—that an intimation would be given by the Visitors, that this question of the veto was an important question to have brought forward and have determined at a Court of Visitation.

After a consultation with his colleagues,

Mr. Justice HOLMES said—The Visitors are agreed that the question of the veto was not merely a proper one to have brought forward, but that the Members of Council had no alternative but to have it decided by a Visitation.

This concluded the proceedings.

HUGH HOLMES.